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FREE THOUGHTS

ON THE

AMERICAN CONTEST.

By Dr Anderson.

Though Law is fallible, yet Law ſhould ſway.

SALUS POPULI SUPREMA LEX EST.

EDINBURGH:

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ADVERTISEMENT.

THE following Obſervations were communicated to the Publiſher of the EDINBURGH WEEKLY MAGAZINE, in a ſeries of letters, under the ſignature of TIMOLEON. They appeared to him of ſo much importance as to deſerve to be printed by themſelves, which he did in the following form, without having had an opportunity of ſubmitting them to the correction of the author; ſo that they appear with all the incorrectneſs that muſt of neceſſity attend a periodical publication.

As the few copies printed off are only intended to be given to particular friends of the Publiſher, or of the Author, if he ſhall chuſe to call for them, it is hoped they will attribute to the above circumſtance the too numerous typographical errors they will meet with.

If the Publiſher had foreſeen the whole plan of the work before it was thrown off, it might have been printed in a more agreeable form.—He has now endeavoured to correct that by a table of Contents, arranged nearly in the form that he imagines the pamphlet might have borne.

CONTENTS.

PART FIRST, CONTAINING,

	PAGE.
Preliminary obſervations—General obſervations on the real cauſe of the diſcontents of the Americans,	1
Of Natural Liberty,	6
Of Repreſentation,	12
Of Political Freedom—and the Conſtitution,	23
Of Colonies and Colonization,	34

PART SECOND, CONTAINING,

A particular Examination of the ſeveral Arguments that have been adduced in favour of the Americans,	41
Inquiry, What would be the conſequences to America itſelf ſhould they ſucceed in their preſent conteſt?	46
Of the nature of the American Trade,	49

POSTSCRIPT, CONTAINING,

Remarks on the American Pamphlet, intitled *Common Senſe*,	57

FREE THOUGHTS ON THE AMERICAN CONTEST.

OF all the privileges of Great Britain, none deſerves to be more highly prized than the liberty of the preſs. A privilege that no nation ever enjoyed in ſuch an eminent degree, and ought with juſtice to be deemed the *palladium* of the ſtate. So long as the firſt ſervants of the crown can be inſulted to their face in the Britiſh ſenate, and accuſed of imaginary crimes; while the throne can be beſieged with threatening remonſtrants, and the beſt of princes loaded with unmerited abuſe, the worthy member of the ſtate may ſometimes feel a little indignant warmth at the ſcurrility of the one, or bluſh for the petulant folly of the other; but, like the amiable Greek who reſtored liberty to an expiring ſtate, he will experience a conſcious ſatisfaction in feeling that he is a ſubject of that ſtate where theſe things can be permitted, and will not ceaſe to bleſs the memory of thoſe who have procured this invaluable privilege for him, and to exert himſelf to the utmoſt of his power to tranſmit it unimpaired to his poſterity. Let not thoſe, therefore, who meet with ſentiments, reaſons, and opinions boldly advanced by others which they think contrary to reaſon, be too highly offended, or wiſh to reſtrain them from publiſhing theſe to the world, becauſe of the ill that they apprehend may reſult from them. Where liberty of debate is allowed, reaſon and good ſenſe will always at laſt obtain the aſcendency. Truth may be for a time obſcured, but will at length burſt forth with irreſiſtible power and ſplendor.—Integrity may be branded with the name of falſehood, and inſidious cunning and hypocriſy miſtaken for wiſdom and political abilities; but, in theſe circumſtances, the maſk will ſoon be torn off, and each will ſtand forth confeſſed to all the world in his own native colours.

Never, perhaps, was the freedom of debate or liberty of the preſs carried to greater heights than at this moment in Britain. It is glorious for the prince under whoſe auſpices this has rather been encouraged than prevented; it is glorious for the miniſters by whom it has been ſo patiently borne with: but as the purity of gold can never be aſcertained till it has paſſed through the furnace, ſo the merit of the good can only be diſcovered by the cloſeſt examination. Truth wiſhes not for concealment: it is only error, or conſcious guilt, that endeavour to ſhun the conteſt of reaſon. Let us, on this ſide the Atlantic, debate with freedom. Let us, ſlaves to the mandates of an imperious miniſter and guilty court, exerciſe our reaſon, and improve ourſelves in the attainment of knowledge; but it is not fit that the ſons of *freedom* on the other ſide the Atlantic, ſhould be allowed to entertain a ſentiment, or utter a thought that is inconſiſtent with the views of that moſt worthy and moſt illuſtrious *ariſtocracy* (I do not miſtake the word) by whom they are led about at pleaſure. Who, that perceives this, does not bluſh at the ſimplicity of ſuch a number of his fellow-ſubjects?

On theſe principles, I have been well pleaſed to ſee ſo many of my countrymen exerciſe their ingenuity on the American conteſt; and although I have ſometimes differed in opinion from them, yet I have not peruſed their lucubrations with leſs ardour, nor entertain the worſe opinion of them on that account. In a ſpeculative point of ſuch importance as this is, the ſubject muſt preſent itſelf in many different points of view to different perſons, and the ſame arguments will make different impreſſions, according to the temper and conſtitution of thoſe to whom they are addreſſed. It is, therefore, fit that every perſon who finds himſelf impreſſed ſtrongly with ſentiments on that head different from others, ſhould communicate them to the public, if it can be done with temper and diſcretion. I had not, myſelf, any propenſity to take up the pen on this ſubject till I ſaw the performance of Urbanus, in the Weekly Magazine, Vol. xxxi. Page 385, which has ſuggeſted ſome reflections I now ſubmit to public inſpection.—I have had the pleaſure hitherto ſeldom to differ in opinion from that worthy correſpondent, and if we chance now to view the ſame object in different lights, I hope it will produce no other bad effects than a little good-humoured argumentation,—on my part I think it never can go farther.

It would ſeem that Urbanus is but lit-

tle acquainted with the hiſtory, trade, or political views of the American colonies; nor is it very ſurpriſing that this ſhould be the caſe with him, as well as a very great majority of the inhabitants of Britain; for as the tranſactions of an infant ſtate are of little importance to any but thoſe immediately concerned in them, it is only of late that our friends on the other ſide of the Atlantic have obtained our attention in any conſiderable degree: and as no hiſtorian of eminence has yet collected theſe into one conſiſtent body, thoſe who wiſh to be inſtructed in this particular branch of knowledge have nothing to direct them but an inaccurate ſuperficial narrative compiled by one Wynne, or the records of parliament, private memorials, petitions of merchants, reports of the board of trade, and other detached materials, which can only be met with by accident in a general courſe of reading.

From this circumſtance it happens, that numbers of people, whoſe attention is now called to American affairs, have been induced to adopt implicitly the view of facts relating to that country held out in the declaration of the American congreſs, and the ſpeeches of popular members in both houſes of parliament. The former of theſe is perhaps the moſt barefaced collection of falſehoods throughout that was ever attempted to be impoſed on the credulity of mankind, by a body of men who ought at leaſt to have had ſome regard to decency; and every one, in the leaſt verſant in political diſputes, knows what degree of faith ought to be given to the latter.

To ſuch therefore as are diſpoſed to enter warmly into the merits of this grand conteſt, I would above all recommend diffidence in their opinions as to facts, till their reading is ſo extenſive as to make them certain they cannot be miſtaken in this particular,—in which they will be ſomewhat aſſiſted by a pamphlet lately publiſhed under the title of "The rights of Great Britain aſſerted againſt the claims of America*;" but as the author of that pamphlet neceſſarily confined himſelf to a very narrow field, he had not an opportunity of tracing the progreſs of that ſpirit of independence that now ſhows itſelf, nor of pointing out the nature of the commerce, or manufactures carried on in theſe colonies, and their effects with regard to Britain and the colonies themſelves; without a thorough knowledge of which, it is impoſſible for any one to form a tolerable opinion of the *political expediency* of thoſe meaſures that form the *oſtenſible* reaſons of the preſent oppoſition of the Americans.

I repeat it again—*oſtenſible* reaſons, for they are indeed mere novices in American politics who do not know that the tax upon tea, or the power of levying any other tax by the legiſlature of Great Britain, is not the *real* cauſe of that flame which is now raging with ſuch fury in that continent. The *primary* cauſe of all their grievances is one that they knew they dared not to avow, as it would have ſhocked in ſuch a high degree the prejudices of the whole inhabitants of Britain. It is nothing leſs than the *act of navigation*, that palladium, as it is juſtly called, of the Britiſh commerce, which they wiſh to get aboliſhed. This is a yoke about the necks of the northern coloniſts that they have worn with the greateſt reluctance from their firſt ſettlement there, and have made many indirect attempts to free themſelves from it for more than a century backwards, and have on ſome occaſions even openly violated it—to the great prejudice of the parent ſtate: and as they have of late perceived that the nation has been diſpoſed to ſee an obedience to that act more ſtrictly enforced than ever, they have exerted their genius to the utmoſt to diſcover ſome pretext by which they might be able to blindfold the other coloniſts, and get them to aſſiſt them in a general reſiſtance to the parent ſtate, hoping that in the ſtruggle for general independence, they might get themſelves emancipated from this grievance, along with others of leſs popular favour to the inhabitants of Great Britain.

They have at length hit upon a popular topic—a topic that muſt ever be popular in a free ſtate, A preſervation of the liberties of individuals. The body of a nation are always hurried away more violently by prejudices than by ſound reaſon. In the rage for liberty eſpecially, mankind are apt to be impoſed on by any thing that has the moſt diſtant appearance of argument, and it is not till it is too late that they diſcover

* *Said to be written by Lord George Germaine.*

their error. More nations have been inſlaved by themſelves, in purſuing what they deemed the only road to freedom, than ever were reduced to thraldom by the ſword of a conqueror.

The Americans ſeem to be fully ſenſible of the uſe that may be made of this foible of human nature. By means of it, they have been enabled to unite into one temporary confederacy, a number of ſtates whoſe diſpoſitions are totally different—whoſe political intereſts are altogether diſſimilar, and whoſe views in the preſent conteſt muſt be different, were their real ſentiments diſcloſed.

The northern coloniſts, who are the prime movers in this grand act of deception, conſcious that their ſucceſs depends intirely on dexterouſly concealing their real deſigns from the others, have not failed to ſet every engine at work to prevent men from coming at the truth. Hence that political intolerance which now prevails ſo remarkably in all their provinces. Where liberty of debate is allowed, truth will ſoon be diſcovered; but while no one dares utter a ſentiment of his own; while the preſs is employed to publiſh nothing but falſehoods, calculated to inflame the multitude, and confirm them in their unreaſonable prejudices, the farce may be kept up for ſome time longer. On theſe principles it is eaſy to account for the notorious falſehoods and the glaring abſurdities publiſhed in the declaration of the American congreſs, which could not poſſibly have been admitted on any other plan. But ſome of the members of the congreſs already begin to ſmell a plot. The ingenious Mr Dickenſon has ventured to diſſent from the leaders of the junto on this account, and it is not to be doubted but when ſober reaſon ſhall reſume her throne, and their heated imaginations have time to cool, many more will begin to perceive how dreadfully they have become the dupes of an artful and imperious faction.

Were it not for the reaſons already aſſigned, we might be amazed at the credulity of ſuch a conſiderable number of the inhabitants of Great Britain, with regard to facts which a very little reflection might enable many to correct from their own memory. It is leſs ſurpriſing that we ſhould be impoſed on by the pompous accounts of the amazing extent and value of the commerce carried on from this iſland to theſe colonies on the continent, becauſe it is natural for every one to imagine, that ſince the great legiſlative council of the nation have for ſo many years paſt beſtowed ſuch an extraordinary degree of attention to it, and given ſuch high encouragements to every thing relating to theſe, that two expenſive wars have been undertaken ſolely on their account, that ſuch enormous ſums have been ſpent with ſo much chearfulneſs for their protection,—and all this with no other declared view but to ſecure for ourſelves the benefit of their commerce;—when all theſe circumſtances are attended to, it is hardly poſſible for any one to avoid thinking, that that commerce muſt be indeed immenſe which has been worth the purchaſing at the expence of ſo much blood and treaſure. Facts, however, do not inculcate the ſame principle, and there is not a propoſition in Euclid more certainly demonſtrable, than that the commerce to the far greater part of theſe colonies does not, nor ever did, nearly counterbalance the hurt that the trade of this nation receives from them in ſeveral reſpects.

I doubt not, but many of my readers will look upon this as a mere paradoxical aſſertion—an idea adopted from caprice, without any ſufficient authority; and I have not the vanity to think they would be one bit the more ready to give credit to it, ſhould I aſſert the contrary with the moſt ſtrenuous aſſeverations. I ſhall not however attempt to bring a full proof of it on the preſent occaſion, as the ſubject is too weighty, and would require a diſcuſſion by far too long for my preſent purpoſe. I ſhall only endeavour to give a ſhort explanation of my idea on this head, by a plain narrative of the gradual progreſs of the American commerce from its infancy till this time, and the ideas it has neceſſarily implanted in the minds of the people.

At the time that theſe colonies began to be eſtabliſhed, the nation was too much engaged with her own internal affairs to beſtow much attention to the nature of the country where her emigrants ſettled, or to forſee what might be the benefit or loſs to the nation from poſſeſſing colonies properly or improperly placed with regard to the parent ſtate. The nature of the climate, and other qualities of theſe provinces too were then ſo imperfectly known,

that a certain judgment in this reſpect could not have been formed, even if they had been attentive to it; neither were the principles of commerce, nor the moſt eſſential benefits of coloniza-tion ſufficiently underſtood in this country for a long period after that, ſo as to enable the legiſlature to exert its full influence for effecting, in the moſt certain manner, the future proſperity of the nation.

On theſe accounts, emigrants were in a great meaſure left to the freedom of their own wills in the choice of the place to which they were to retire, and they naturally choſe a climate and a country as much reſembling their parent ſtate as they could meet with, ſo that the province now called Maſſachuſett's-Bay, and the neighbourhood of it, be-came the center of that new colony; and the inhabitants, from various cauſes, began to increaſe in a very rapid man-ner, and to aſſume the appearance of a regular ſettlement.

But no ſooner was the nation at li-berty to look abroad to this infant ſet-tlement, than they began to perceive that both the emigrants and themſelves had been guilty of an overſight that might become in time prejudicial to the intereſts of both, as ſome of the wiſeſt politicians ſaw that as the native pro-duce of both countries was nearly the ſame, and that the colonies produced few ſtaples different from the mother-country, a rivalſhip muſt ſooner or later take place between them that might be productive of the moſt dangerous conſe-quences to one or other of theſe ſtates.

The evil was foreſeen—but, like many political overſights, the error was not in time corrected. Other colonies were indeed founded more to the ſouthward, which were not liable to the ſame objec-tions. But the inconveniencies to which a new ſettlement is ſubjected are ſo numerous, that the greater number of emigrants choſe to go to the northern colonies in preference of thoſe to the ſouthward, ſo that their population ſtill increaſed in a greater proportion than any of the others; and although ſome feeble attempts were made to aſſiſt the ſettle-ment of the ſouthern provinces, theſe were ſo weak as to operate very ſlowly. Nor was any ſtep ever taken with a view to diſcourage the people of the northern colonies—an inattention that never can be too much regreted.

In the mean time, the original colo-niſts finding themſelves poſſeſſed of ſome products that Britain did not want, were induced to ſeek out markets for theſe. They ſoon found that the laws of the parent ſtate interrupted the com-merce to thoſe places where they could have traded to the greateſt advantage. This was felt as a hardſhip. Attempts were made to evade theſe laws, and as their ſituation favoured theſe, and as the parent ſtate did not think it worth her while at firſt to interrupt their be-ginning commerce, they came to ~~feel~~ taſte the ſweets of a contraband trade, by which they inriched themſelves, and be-nefited the colonies of our greateſt ri-vals; nor could they, without the moſt ſenſible uneaſineſs, behold the attempts of the parent country to bring them un-der a proper ſubjection to the laws of commerce, upon which her own proſpe-rity muſt ultimately depend. The ſtop-ping of ſmuggling with all the nations who have ſettlements in the Weſt In-dies, to the enriching of theſe countries and the impoveriſhment of Britain, is the real bone of contention at preſent, and nothing elſe *.

* Another cauſe of uneaſineſs to the New-England provinces ſince the ceſſion of Canada, is the alteration of the courſe of the Indian trade, by which they are in ſome meaſure de-prived of the profits they uſed to derive from thence, inſtead of being infinitely benefited by it, as they expected would be the caſe. For while the French kept poſſeſſion of Canada, we had forts and trading marts eſtabliſhed in the back ſettlements, which were intirely ſup-plied with goods for the Indian market by the way of theſe colonies; but ſince that time, the communication through Canada, by means of the lakes, &c. being laid open, the Indian trade more naturally falls into that channel than any other, which was formerly obſtruc-ted by the powerful efforts of Great Britain continually exerted againſt her antient rival.

This Indian commerce, trifling as it may ſeem, is the moſt gainful to Great Britain that ever was carried on to the northern colonies; and happy had it been for her if, inſtead of ſettling a colony of civilized Europeans in a climate that almoſt compelled the inhabitants to enter into trade and manufactures, and be-come her own rivals, ſhe had contented herſelf with carrying on that Indian trade merely by factories of merchants, by means of which furs and ſhip timber, the only articles of con-ſequence that ever were exported from thence, could have been obtained with more certainty and leſs trouble than at preſent, and the na-tion have been ſaved an immenſity of

All theſe northern colonies, by which I mean all to the north of Virginia (perhaps Pennſylvania may be reckoned neutral), that is, about nine-tenths of the whole Britiſh ſubjects of America, having next to no ſtaple commodity of uſe to Britain, and being ſupplied by other nations, in the manner above-recited, with almoſt all the neceſſaries they ſtand in need of, have carried on but a very languid commerce with Britain, have eſtabliſhed manufactures of their own, which they, in their uſual courſe of contraband trade, vend in thoſe places where Britiſh manufactures ought to be ſold, and thus ruin our trade in a twofold manner; and by neceſſarily becoming great merchants and navigators, and applying themſelves to the fiſhings on their own coaſt, have in a great meaſure outrivalled us in that branch of trade—the moſt neceſſary for preſerving the vigour and independence of the ſtate.

Being conſcious, therefore, that their own intereſt and ours can never agree—that if they are to be dependent upon us, and ſubjected to our laws, they muſt be cramped in many of their lucrative employments, was it a wonder that they wiſhed to keep themſelves as free from theſe laws as poſſible, and that they oppoſed every project that naturally had a tendency to make the Britiſh legiſlature fully acquainted with the nature of their trade, and the internal œconomy of their ſtates*?

It is much to be regreted, when colonies are ſo circumſtanced as to become natural enemies and rivals to the parent ſtate, inſtead of finding it their mutual intereſt to cheriſh, ſupport, and live in perpetual amity with one another. It is the *general intereſt* of countries, that muſt produce enmities or friendſhips; for, in oppoſition to that, treaties are but a breath, the moſt ſolemn contracts can never be binding. The ſevereſt oppreſſion, or the mildeſt parental tenderneſs are alike diſregarded and deſpiſed; conceſſions are but an opening to encroachments, and the moſt ſplendid victories procure but a precarious reſpite—a breathing that ſerves but to renew the combat, which never can effectually ceaſe till one of the parties be intirely deſtroyed

Happily for Britain this is not the caſe with all her colonies, although it is in ſome meaſure ſo with regard to thoſe who were the aggreſſors in this diſpute. The friendſhip of no nation can be of half the utility to the ſouthern colonies, as that of Britain is; and the benefit to this ſtate by the amity of one of theſe coloniſts, is of more value than that of ten in the northern provinces. They muſt therefore live in general friendſhip with Britain, in ſpite of the little jealouſies that may ſometimes ariſe between them from trifling miſapprehenſions. The ſouthern provinces, therefore, are the prize that is of value to Britain. They are yet in their infancy; but the parent ſtate is poſſeſſed of ſuch unopened treaſures ſtill to diſpoſe of, that by proper encouragements to theſe, and a reaſonable ſeverity to thoſe who have created her ſo much diſturbance at preſent, it is not impoſſible ſtill to make it the intereſts of theſe turbulent coloniſts to move to a more benign climate, and fertile ſoil, where they may be able to enjoy the bleſſings of life with tranquillity and peace; be cheriſhed as the deſerving children of a benignant parent, who mutually give and receive ſupport from one another, and remain as a monument to future ages of the bleſſings

blood and treaſure which have been already loſt, and much more that too probably will be loſt in future ages.

† It is well known, that were it not for the ſupplies of lumber that the French colonies in the Weſt Indies receive from the Americans, and the conſtant market they obtain for their melaſſes to the New-Englanders, the French ſettlers could hardly ſubſiſt in theſe colonies, or be able to ſell the other produce of theſe iſlands, ſo as to outrival us in the ſame articles in foreign markets as they now do. Yet it is alſo well known, that during the laſt war, when theſe very Americans were imploring the aid of Great Britain in the moſt abject terms, they were carrying on that branch of clandeſtine trade to the utmoſt of their power.

As the French iſlands have no other poſſible market for their melaſſes, the Americans get them almoſt on their own terms, and by that means reduce the price of this article in our own iſlands to any thing they pleaſe, of which our Weſt India planters have often moſt loudly complained. This, however prejudicial to the parent ſtate, and other colonies, furniſhed the means of a moſt lucrative trade and manufacture to the North Americans, particularly thoſe of Boſton; no wonder, therefore, they are deſirous of continuing it by means of thoſe arts of deception which they have ſo long and ſucceſsfully employed.

that are procured by wiſdom and a happy forecaſt. Unfortunately our forefathers have erred; but it is not yet too late to correct that error. A little time might have rendered that impoſſible, and have thus produced the moſt diſagreeable conſequences: it is therefore the intereſt of all parties, that Britain ſhould be ſtrenuous in her efforts at preſent, and that theſe efforts ſhould be crowned with ſucceſs.

So much for the *expediency* of not winking at the inſults of the coloniſts at preſent, which would only have been the prelude to new and greater encroachments. I proceed with Urbanus to inveſtigate with ſome degree of preciſion, the legality of the meaſures inſiſted on by the parliament of Great Britain.

Before I quit the preſent ſubject, it may not however be improper to obſerve, that if ever Britain hopes to avail herſelf fully of her ſettlements on the American continent, the acquiſition of Canada was a preliminary of the utmoſt importance; for although that country, conſidered in itſelf, can never be of great value to Britain, yet the conſequences of its remaining in the hands of France muſt have been extremely prejudicial to her intereſts in numberleſs reſpects. It is true, indeed, that as France never perceived in what manner that country could be made to turn out to her emolument, it was rather a burden to her than an advantage while in her poſſeſſion: but if they, inſtead of making encroachments on the Britiſh ſubjects, had cultivated a friendly intimacy with them, and adopted the ſame plan that they do with the Spaniards in the iſland of Hiſpaniola, they could have carried on at all times a moſt lucrative contraband trade, ſo as to prevent the poſſibility of our ever reaping any conſiderable advantage from the commerce of our back ſettlements, and effectually prevented the beneficial ſettlement of the lands upon the Ohio and Miſſiſippi—theſe countries, which will be in time more valuable to Britain than all the mines of Potoſi, or the diamonds of Golconda, if we ſhall have the wiſdom properly to avail ourſelves of the bleſſings we are now in poſſeſſion of.

And although it is not to be doubted but the ceſſion of Canada, by removing the fears of our northern coloniſts for their own ſafety, has emboldened them to enter ſooner than they otherwiſe would have done into the conteſt with their parent ſtate, yet it has alſo deprived them of reſources which they would in that event have been poſſeſſed of, ſo as to have rendered their oppoſition when it did happen the more formidable. It would even have been more for the intereſt of theſe northern colonies to be allied with France than Britain, if it ever ſhould have become an independent ſtate; an event which, in their then ſituation, muſt have been effected ſome one time or other, to the total ruin of the Britiſh empire in America.

Happily theſe things are prevented.—And if we ſhall find that Britain is intitled, according to the ſtricteſt rules of moral equity, to demand an exact obedience from the Americans to all the obnoxious ſtatutes, it is to be hoped ſhe will have ſpirit and vigour to inforce the execution of them.

Liberty is a bleſſing of ſuch ineſtimable value, that it is no wonder if thoſe who are once acquainted with it ſhould prize it above almoſt every other earthly enjoyment: and, as the deſire of power and ſovereign ſway is ſo deeply rooted in the human heart, it is moſt natural for thoſe who are intruſted with authority, to wiſh to extend it beyond the limits that ſtrict equity may require, and to make the bulk of the people, whoſe happineſs ought ever to conſtitute the ſupreme felicity of a ſtate, the abject tools of their deſpotic authority. It is fit, therefore, that, in every free ſtate, the rulers of it ſhould be watched with attention—their actions be ſcanned with the moſt rigid ſeverity, and every ſtep that tends to infringe the liberty of any of the lieges, be pointed out with perſpicuity, and oppoſed with the ſteady vigour of wiſdom, which, in a really free ſtate, will always be more than ſufficient to overcome the inſidious arts of an ambitious individual.

But, while the *people* are juſtly jealous of any thing that has the appearance of infringing their liberties, the *philoſopher* ought to know, that to invent a proper ſyſtem of legiſlation, calculated to preſerve theſe liberties in the moſt perfect manner, requires, perhaps, the higheſt exertion of the human genius; and that, however much the *people* may be intereſted in the matter, it is not poſſible for them to judge properly of thoſe circumſtances that may tend moſt eſſen-

tially to their own detriment or advantage. Unacquainted with facts, and incapable of reaſoning with preciſion, theſe muſt ever become the tools of thoſe who wiſh to impoſe upon them. If their paſſions are inflamed, reaſon is quickly lulled aſleep; and it is hardly poſſible to invent an abſurdity, however glaring and ſelf-evident to others, which they will not ſwallow with avidity; ſo that, in fighting for liberty, they too often rivet indiſſolubly their own chains, and become the ſlaves of thoſe very perſons that they themſelves have exalted to ſupreme command.

It would be paying a poor compliment to my readers, to ſuppoſe they would require a proof of theſe facts. The hiſtory of almoſt every nation, but more eſpecially that of our own country, for many ages, is little elſe than one continued ſeries of examples of this important fact, and ought to teach us to attend, with the moſt cautious circumſpection, to thoſe who pretend to extend our liberty beyond its former bounds; for, if former experience is to be truſted, thoſe who appeal to the paſſions of the multitude—who pretend to be reformers of the human race, and to exalt the liberties of mankind to the higheſt pitch, uſually have the moſt inſidious deſigns, and aim only at eſtabliſhing their own power and authority on the ruin of their fellow-ſubjects.

No one who reads this can doubt the juſtneſs of theſe remarks; yet it is ſo difficult for a man, in ſuch an intereſting diſpute as the preſent, not to take a ſide warmly, and to view every circumſtance through the medium of prejudice, that, I am afraid, few of my readers will be able, on this occaſion, to make the proper uſe of them; yet methinks it is not impoſſible for the human mind to diveſt itſelf, in ſome meaſure, of prejudices for a ſhort time—to conſider an argument as totally unconnected with any particular men or names, and to form a judgment of it in that manner. I would fain endeavour to do this in the preſent caſe, were I not afraid that, like others who have attempted to do the ſame before me, I might be led away by prejudice into the mazes of error and inconſiſtency.

The example of the worthy *Urbanus* furniſhes me with a recent leſſon of circumſpection in this reſpect. His diſpoſitions I admire. Whoever has a heart overflowing with humanity and benevolence for mankind is a good, an amiable, a reſpectable member of ſociety——He who would not willingly venture his own life, and all that he poſſeſſes in this world, when it ſhould become neceſſary, for maintaining his own liberty and that of his fellow-creatures, and tranſmitting it to his poſterity, is unworthy of partaking of the bleſſings that it procures. In theſe reſpects he and I moſt perfectly, as I ſuppoſe, agree: But when we come to reaſon on the means of ſecuring theſe liberties, it is hardly poſſible to imagine two perſons more oppoſite to one another. Reaſon is fallible. One of us at leaſt muſt be miſtaken. Every reader, after weighing the arguments on both ſides, muſt judge for himſelf.

I willingly follow Urbanus in inquiring into the grounds of that *right* claimed by the Britiſh parliament to tax America; and, that I may not miſrepreſent his argument on this head, I quote his own words, although this quotation, I am ſenſible, is very long.—"As the preſent conteſt," ſays he, 'between Great Britain and America 'is wholly bottomed on the right 'affirmed to belong to the Britiſh 'parliament to tax the American 'colonies, it is ſelf-evident that the 'right or wrong in *this* queſtion muſt 'wholly depend upon the deciſion 'of another. Is this parliamentary 'right real and conſtitutional, or 'fictitious and aſſumed? It appears to 'me that this parliamentary claim is 'fictitious and aſſumed; and I go on 'this maxim, or general principle—'That the ſupreme ſovereignty, as to 'the fundamentals of a free conſtitution, cannot be veſted in *any* form of 'government inconſiſtent with the natural rights of mankind. It muſt be 'veſted ultimately in the ſociety at 'large, or more limitedly as repreſented by their conſtituents, ſo that the 'ſame allegiance that every private individual owes to the government legally eſtabliſhed, doth that government, or the eſtates of which it is 'compoſed, owe to the community in 'general; which is always ſuppoſed to 'have reſerved to itſelf, and to have aſſerted certain original rights of mankind, which it would be ſacrilege in 'us to violate. *Now*, one of the moſt 'eſſential of theſe rights is, that every

'the minuteſt component part of the 'ſtate in general ſhall be free from eve-'ry aſſeſſment, and ſecure in the poſſeſ-'ſion of every part of property, except 'by conſtitutional authority,—that is, a '*direct* or *effective* repreſentation in par-'liament."—And again he adds—"It '(*that is*, the ſupreme legiſlative coun-'cil of the nation) may ſtill, indeed, be 'poſſeſſed of the power, and in this 'caſe it may be, it is often, wiſe and 'prudent to ſubmit; but this can never 'infer a *right* to ſubmiſſion, or make 'that *lawful* which deſtroys the very 'nature and end of its inſtitution. But 'who is to judge? Every individual 'hath a right, ſay I. It is a privilege 'of our natures, whether we ſhall ever 'be able, or it ſhall ever be prudent to 'exerciſe it. Hath then every indivi-'dual a right of reſiſtance? Certainly; 'becauſe, if every individual was not 'poſſeſſed of that right, it could never 'be acquired by the acceſſion of num-'bers."

I have quoted theſe paſſages at length, that the reader may have before his eye at once the grounds of the argument, on which this correſpondent reſts his claim of the independence of America: But, if I reaſon rightly, the ſame argument would be equally valid in excuſing every kind of rebellion, and totally deſtroy every civil government whatever. It either proves too much or nothing at all.

Urbanus ſeems to admit that there may be ſuch a thing as a juſt and equitable *government*, and laws to which every member of the community ought in juſtice to ſubmit themſelves. If this is refuſed, all argument is at an end—If it is granted, I am afraid the principles of natural liberty, above aſſerted, will be obliged to be in ſome meaſure abandoned.

There will be nothing, I ſuppoſe, more readily granted, than that all mankind were naturally equal in rank and authority as they came from the hands of the Creator; ſo that no one had a better right than another to domineer over, or to command his equals.

It will be likewiſe allowed, that one of the moſt natural and unalienable rights of mankind is freedom of thought, and the conſequent freedom of action that muſt reſult from that free exerciſe of the faculties of the mind.

Hence then it follows, that man has a natural and unalienable right to think and act as he ſees fit; nor can any perſon, without infringing upon his natural liberty, reſtrain him in the free exerciſe of theſe his undoubted native privileges; nor can that be effected without a ſuperior force, to which he muſt, contrary to natural juſtice, be obliged to ſubmit. All government, therefore, is eſtabliſhed by force, and can be maintained by no other means; ſo that, according to the principles above maintained, every ſyſtem of government, that ever was or can be invented, is unjuſt, and a tyrannical encroachment on the natural liberties of mankind, which each individual hath a juſt right to reſiſt in every inſtance that he thinks proper.

If it ſhould be told me, that there are ſuch things as juſtice and equity;—that the human mind is naturally capable of perceiving theſe;—that a number of mankind may voluntarily aſſemble together, and eſtabliſh among themſelves certain rules founded upon theſe principles, to which every individual of that ſociety binds himſelf to ſubmit, for the mutual benefit of the whole,—which might ſerve as a model for a free and perfect government, where the natural liberty of every one was preſerved—it would not in the leaſt alter the caſe: for, if every individual of that ſociety ſhall ſtill retain his native liberty of thought and action, he cannot be bound by theſe regulations longer than they appear to him juſt and equitable; and as he may, on ſome future occaſion, ſee reaſon to alter his opinion, ſhould he, in conſequence of that, infringe any of theſe regulations, how is it poſſible to make him ſubmit to the penalties that this may infer?—He cannot be brought to do it voluntarily, becauſe his judgment or inclination leads him to purſue an oppoſite conduct. Force only remains to compel him to ſubmit to thoſe regulations that others, not himſelf, think juſt. Still, therefore, even this moſt perfect government is founded on force, and neceſſarily infringes the natural and unalienable rights of mankind.

But, ſuppoſing it ſhould ſo happen that, in the aſſembly convened for the purpoſe of eſtabliſhing civil government, or in that diſtrict of country over which its dominion was propoſed to extend, one or more individuals ſhould differ in opinion from others, and think ſome things unjuſt that the others thought

highly equitable, by what pretenſions can theſe others make that individual ſubmit to their regulations?—If it be anſwered, that the general ſenſe of the majority, when uninfluenced by any ſiniſter motives, ought to determine thoſe few who differ from them to ſubmit to their deciſion, as the probability is that juſtice is on their ſide: but ſtill, if ever ſuch a ſmall number ſhall continue obſtinate, and be determined to do what they themſelves ſhall ſee fit, without regard to the regulations of the others, there is no recourſe to be had but to force, which conſtrains them to make their own private intereſt give way to the public good—or, in other words, makes natural liberty give way to political freedom. Again—ſuppoſing the whole members of the community ſhould be unanimous, and ſhould thus enact certain laws to which they themſelves ſhould be bound, in conſequence of their faith pledged to one another, during their whole lives—by what rule of natural equity, on the principles of Urbanus, ſhall the children of theſe original contractors be bound to adhere to the regulations eſtabliſhed by their fathers?—or how ſhall thoſe who obſtinately differ in opinion from them be brought to ſubmit to theſe laws—but by force?

Thus, let us torture the ſubject as long as we will, and conſider it in every poſſible point of view, we ſhall ſtill be obliged to recur to this concluſion, That civil liberty, the exact diſtribution of juſtice between man and man, and every ſpecies of government whatever, is totally incompatible with that kind of natural liberty for which Urbanus contends: nor is there any other poſſible way of making the dictates of right reaſon, equity and diſintereſted benevolence, obtain an aſcendency in civil ſociety over the ſelfiſh and ſordid paſſions, and that anarchy and miſrule that the free exerciſe of theſe would produce, but by a general appeal to the common ſenſe and ſound judgment of the whole community, the majority of which muſt always be ſuppoſed to have juſtice on their ſide—or, in other words, if there is no ſuch principles inherent in mankind as a love of order—of juſtice and equity, where the mind is not particularly biaſſed by prejudice and affections—that ſtrength and power muſt ſupply the want of it, and the weaker party yield to the ſtronger.

I would hence infer, directly in contradiction to Urbanus, that, if civil ſociety is a bleſſing to mankind; if political liberty is an advantage; and if laws can ever be of utility to the ſtate, or to individuals—that, in that caſe, no individual can have a right to oppoſe his private opinion to the eſtabliſhed laws of the ſtate, where theſe have been duly enacted, *according to that ſyſtem of legiſlation in which he and his forefathers have acquieſced, and acknowledged to be the only proper ſource of legiſlation of that country which he inhabits:* nor can he be juſtified in reſiſting theſe laws, even when he thinks them unjuſt; for, if every individual were to exerciſe this right, the end of theſe laws would be totally fruſtrated, and every thing muſt return to that ſtate of anarchy and confuſion, which is more deſtructive of equitable freedom than the moſt defective ſyſtem of government that ever yet was invented. An example will place this in a clearer point of view.

I am a ſubject of Great Britain—and am ſatisfied that the ſyſtem of legiſlation eſtabliſhed in this country, if not perfect, is at leaſt better than that of any of the countries around me—and *therefore I chuſe to continue a member of that community, and to reap all the advantages, and ſuffer all the inconveniencies, to which thoſe in my ſtation of life are ſubjected by its laws and civil regulations.* It happens, however, that, by exerciſing my reaſoning faculties, I have no difficulty in perceiving that many of theſe laws are unjuſt, and ſome of her regulations oppreſſive:—am I therefore intitled, in *juſtice* and *equity*, to refuſe to ſubmit to theſe?—or ſhould I hold myſelf excuſed if, in vindicating this ſuppoſed natural privilege, I ſhould hurt, or maim, or deſtroy any of my fellow-ſubjects, who ſhould be authoriſed to put the laws in force?—Thus I am perfectly ſatisfied that there is a great difference between the degrees of guilt of a perſon who commits a deliberate murder, and one who, perhaps through neceſſity, has been tempted to purloin ſome trifle from a man that can eaſily ſpare it—yet the law has made no difference between the puniſhment of the one and the other of theſe crimes. This I muſt regret as an imperfection, *and ought to exert myſelf, as far as my influence extends*, to get that imperfect law amended—but nevertheleſs I am bound to ſubmit to its

decrees ſo long as it is in force. It is, however, ſelf-evident to me, that the puniſhment inflicted upon the laſt of theſe crimes is far greater than the heinouſneſs of the guilt requires. Suppoſing then that, with a firm perſuaſion of this, I ſhould have the misfortune to tranſgreſs this law, and ſhould be brought, in conſequence thereof, to undergo the puniſhment the law requires, ſhould my own conſcience excuſe me, or would any impartial perſon ſay I had done right if I ſhould then ſtand on my defence, and kill or deſtroy the executioner, guards, or any other perſon whom the law had intruſted with the power of inforcing its ſentence? Surely no.—I would thus add guilt to guilt, and would then juſtly deſerve to be cut off from that ſociety, of which I had ſhowed myſelf to be ſuch an unworthy member.

Such was the opinion of Socrates, that wiſeſt of the heathens, who ſuffered without repining under a moſt unjuſt ſentence of an inequitable law—and ſuch will ever be the ſentiments of every deſerving member of every community. Perfection is not to be attained in this life; and it becomes our duty to ſubmit to leſſer inconveniencies, that greater evils may be thereby avoided.

I have been at ſome pains to illuſtrate the tendency of that doctrine advanced by Urbanus, not with a view to inculcate the doctrine of paſſive obedience and non-reſiſtance *in all caſes*, but barely to ſhow that the principles of civil government ought not to be wantonly unhinged by the capricious phantaſy of every private individual. *Where no rules are eſtabliſhed, by which we may be able to judge of the legality of the powers aſſumed by the legiſlature of a country*, it is unfortunate for the people, as they have no exact criterion by which they can judge of the malverſation of their magiſtrates, nor any certain way of obtaining the impartial opinion of the majority of the inhabitants themſelves—nor any certainty that the opinion of theſe inhabitants, if it could be obtained, would be an equitable deciſion; ſo that, even where a legiſlation is extremely defective, little good may in general be expected from this *dernier reſort*, an appeal to the ſword of the people at large; on which account it ought, if poſſible, to be avoided in all caſes, as a moſt deſperate remedy, and ought never to be employed but where the general opinion of all ranks of men is ſo obviouſly on one ſide as to leave not a doubt of the juſtneſs of the claim, and where there is no *other poſſible* means of obtaining redreſs. Such emergencies already may have appeared, and ſuch may perhaps again become neceſſary. Whether the preſent diſpute with America may be juſtly referred to this claſs, will fall to be examined in ſome future part of this eſſay.

Having thus animadverted on the principles of natural liberty, I now proceed to make ſome remarks on political freedom, with a view, if poſſible, to aſcertain the particular circumſtances in which it eſſentially conſiſts.

Urbanus, in the paſſage already quoted, has aſſerted, "That the ſupreme ſovereignty, as to the fundamentals of a free conſtitution, muſt be veſted ultimately in the ſociety at large, or more limitedly, as repreſented by their conſtituents;" and a little afterwards he adds, "*Now*, one of the moſt eſſential of theſe rights (*i. e.* certain original rights of mankind, which it would be ſacrilege in us to violate) is, that every *the minuteſt component part* of the ſtate in general, ſhall be free from every aſſeſſment, and ſecure in the poſſeſſion of every part of property, except *by conſtitutional authority*, that is, a *direct* or *effective* repreſentation in parliament."

If I underſtand the meaning of this paſſage, it is, That the ſubjects of no ſtate can be ſaid to enjoy political freedom, or in other words, that it cannot be accounted a free ſtate, unleſs where the ſupreme ſovereignty, or unlimited legiſlative power, is veſted in the whole body of the people at large, or in a ſelect committee choſen by the whole body of the people, who had voluntarily delegated their own power to them, appointing them to act in their ſtead, which are here called their *conſtituents*. And that, in an eſpecial manner, no law *impoſing taxes* of any ſort can poſſibly be obligatory in a *free ſtate*, unleſs where it is either enacted by the whole body of the people at large, or by theſe their conſtituents.

I cannot help here remarking as a ſtrong proof of the natural imbecillity of the human mind, that every age and people are continually governed by an irreſiſtible propenſity to follow certain *faſhions* that have by accident become prevalent, and to think that every thing that does not comply with theſe is ridiculous and abſurd. If this could be

confined to the faſhion of our dreſs, and the mode of external decorations, it would be happy for mankind; but unfortunately, its influence extends not only to this, but to our words, and thoughts, and actions, in ſome of the moſt intereſting ſituations. The faſhionable words at preſent in Britain are *repreſentation* and *taxation*, which are ſo inſeparably united by this popular charm, that it is not in the power of reaſon, of facts, or of the experience of all preceeding ages to diſſolve the charm, or make common ſenſe reſume her throne.

In what other way can we account for the ſtriking abſurdity of perſons who are not unacquainted with the hiſtory of thoſe free nations of antiquity, and who read with raptures the generous efforts of the inhabitants of thoſe whoſe ſouls animated with that divine fervour that can only ſpring from liberty, excited them to perform actions which will be admired ſo long as human nature exiſts? That perſons, I ſay, who are acquainted with theſe facts, and who muſt at the ſame time know that neither the Greeks nor Romans had the moſt diſtant idea of what we mean by *repreſentation*; and that in none of theſe ſtates, ſmall and inconſiderable as ſome of them were, was the ſupreme legiſlative power intruſted without limitation with the body of the people at large; and that in particular the power of levying taxes was almoſt univerſally inveſted in ſome particular order, and not in the whole body of the people. (In the two larger republics of Rome and Carthage, this power of taxation was veſted in the ſenate, and in others it varied according to the particular views of their legiſlators. That perſons who know all theſe things ſhould ſtill inſiſt that taxation and repreſentation are inſeparable in a free ſtate, appears a little extraordinary, and muſt be referred to the principle above-mentioned.

In few arts or ſciences is it ſafe to truſt intirely to theory and reaſoning *a priori*, and in none is there greater danger of being miſled by this means than in the ſcience of government. Nothing ſeems more beautiful in theory—more equitable or productive of more beneficial conſequences to ſociety, than the idea of a ſmall ſtate, in which every member of it could be admitted into the general aſſembly of the ſtate, bear a part in every debate, and aſſent to every law that was to be binding upon him; yet experience has long ago demonſtrated, that this is very far from being the moſt perfect ſyſtem of government; and therefore the legiſlators of antiquity, who had wiſdom to perceive the many and great inconveniencies to which this mode of government was ſubjected, while they amuſed the people with an idea of their own omnipotence, artfully deprived them of the power on many occaſions, which it would have been dangerous to have intruſted with themſelves. Superficial readers of antient hiſtory, like the people themſelves, may not perceive theſe checks upon their power; but every man of diſcernment muſt eaſily ſee, that while they retained the name of omnipotence, they were indeed veſted with little authority *: and happy it was for them, that this was the caſe; for the experience of all ages ſhews that, when by any misfortune the ſupreme power was thrown into the hands of the people, the end of that ſtate was at hand.

If then it be admitted that the ſubjects of the republics of antiquity enjoyed political liberty, and if it be likewiſe true that the ſupreme ſovereignty, eſpecially with regard to taxation, was not in theſe ſtates *always* veſted in the body of the people (which I beg thoſe who deny this will take the trouble of proving), it muſt neceſſarily follow that the above definition of the principles of political freedom is imperfect, and that the ſubjects of a ſtate may be free where the

* I do not know if it has yet been attempted; but a book which ſhould explain, in a clear and ſatisfactory manner, the various contrivances that have been adopted by the different legiſlators of antiquity, for preventing the people from intermeddling in the great and weighty matters of ſtate, would be extremely curious and uſeful. It will not be expected that I ſhould here engage in this intricate diſcuſſion.

In the republic of Athens, where all cauſes *ſeem* to have been determined by the *people*, the ſenate alone had the power of preparing thoſe laws that were to be propoſed to the people: Any reſolution of the ſenate was not entitled a *law* till it had the ſanction of the *people*; but it was in force for *one year*, even without that ſanction:—Our ſupplies are never granted for a longer term.

In Carthage, if the ſenate was unanimous, their reſolutions had the power of law, without the ſanction of the people, who became umpires only when the votes of the ſenate were divided.

ſupreme ſovereignty is *not* veſted in the ſociety at large. This then is not an eſſential principle of political freedom.

By the ſame mode of reaſoning we might likewiſe prove, that political freedom may exiſt in a ſtate where the ſupreme ſovereignty is not veſted in any number of repreſentatives elected by the whole body of the people. But as the ſubject of *repreſentation* has never, that I know of, been accurately diſcuſſed by any political writer, and as a great majority of the people of Britain ſeem to have no proper idea of the nature of repreſentation in general, and eſpecially of the nature of that repreſentation that takes place in the conſtitution of this country, and therefore draw concluſions from it that are extremely erroneous, I ſhall hope to be excuſed if I inveſtigate the ſubject with a greater degree of accuracy. This taſk I the rather undertake, becauſe Locke and Monteſquieu, who deſerve ſo well of ſociety in general, for the lights they have brought to mankind on the intereſting ſubject of political liberty, have either not attended to this branch of their ſubject with ſufficient preciſion themſelves, or have not explained their ideas in ſuch a manner as to enable us to form a juſt judgment of this matter from their writings.

IT has been aſſerted, that in a free country the ſupreme authority muſt either be veſted in the ſociety at large, or in the ſame ſociety as repreſented by their conſtituents *, and that every *the minuteſt component part of the ſtate* in general ſhall be free from every aſſeſſment, except by the authority of their own repreſentatives in parliament.

Nothing ſeems to be more ſimple than the idea of *repreſentation* conveyed in the paſſage; nor can any thing ſeem to be more equitable, or more conſonant to the principles of natural juſtice, or more likely to procure a proper ſubordination in civil ſociety, without infringing on natural liberty, than this does: For where a ſtate is ſo large as to render it impoſſible to convene the whole body of the people, it ſeems to be a moſt natural expedient for thoſe at a diſtance to chuſe from among themſelves certain individuals of their own order, who being acquainted with the diſpoſition, circumſtances, and opinions of their neighbours, would be more capable of judging what was fit or proper for theſe their conſtituents than any other body of men whatever, and therefore more likely to be attentive to their real intereſts than any others could be. Yet ſimple and natural as this idea ſeems to be, it is ſtrange that it ſhould never have occurred to any antient legiſlator, nor have ever yet been put in practice in any ſtate under the ſun †, and probably never will: and it will perhaps appear ſtill more ſtrange to ſome, ſhould it be aſſerted that, if this ſhould ever be effected, that ſtate where this ſhould happen would probably be farther from enjoying real liberty than almoſt any other that was ſubjected to any other ſyſtem of legiſlation which could be adopted.

It has probably been from the beautiful ſimplicity of this idea of repreſentation, that moſt modern civilians have been led to imagine haſtily, that becauſe Britain is a free ſtate, and becauſe there is a certain proportion of the legiſlative council of the nation choſen by a peculiar claſs of the ſubjects of the realm, this is an example of a true repreſentation, and a full proof of the beneficial conſequences that reſult from thence; it being imagined that this is one of the moſt valuable privileges ſecured to us by our conſtitution, on which the real liberties of each individual of the ſtate eſſentially depend. That this however is an erroneous opinion, will, I hope, appear from the following ſuccinct hiſtorical relation of the origin and preſent ſtate of what is called *repreſentation* in Britain.

It is well known that the feudal ſyſtem of government was originally a military inſtitution,—a ſort of confederacy of independent chiefs, who voluntarily ſubmitted themſelves to be led by one chieftain appointed by themſelves, who, in conſequence of his office, ſhould be poſſeſſed of certain privileges which they themſelves voluntarily ſtipulated, and that in all other circumſtances he ſhould be only as one of themſelves.

* Urbanus, whoſe words I quote, is here guilty of a ſmall inaccuracy, uſing the word *conſtituents* in the place of *repreſentatives*.

† I do not forget the aſſembly of the Amphyctions in Greece, the Hanſeatic and Helvetic councils, the imperial diet of Germany, or that of Poland, nor even the *continental congreſs* itſelf. All theſe, and many others that might be named, were aſſemblies conſiſting of repreſentatives indeed, but very different from the repreſentations of the *people* here alluded to.

Theſe warlike chiefs formedaſt a nding military council with whom the *captain* was on all occaſions obliged to conſult, and without whoſe approbation no affair of any moment could be tranſacted, —becauſe each refuſed to atchieve any great or hazardous enterprize, unleſs he himſelf thought it ſhould turn out to his own emolument; nor was the captain poſſeſſed of any power to compel them.

So long as theſe warlike bands were kept in the field and employed in action, this military government could eaſily be maintained in all its force; but when by their ſword they had conquered kingdoms, when the lands were divided among the conquerors, and each was allowed to retire to his own domains, and enjoy that peace which his conquering arms had helped him to procure, it became neceſſary to enter into certain regulations for the preſervation of the whole. The chief was appointed guardian of the realm, and was intruſted with certain diſcretionary powers, which he, in the abſence of his peers, might exert for the common ſafety, and, in particular, with a power to ſummon the whole chieftains with all their military forces to attend him on any emergency that he might judge fit, which they were bound by the moſt ſolemn engagements religiouſly to perform; and as it now became impoſſible for theſe chiefs to form a *continual* ſtanding council around the prince, he, on his part, could enact no laws that ſhould be binding on his peers without their own conſent, and was therefore obliged at certain times to call a general council of all theſe chiefs, to deliberate on the means that were proper to be purſued for the common good of the whole. Such were the aſſemblies of our forefathers, which we now denominate parliaments.

In proceſs of time, foreign wars being little to be dreaded in this iſland, the idea of a military eſtabliſhment for common defence began to be loſt among the nobles. The civil arts came in ſome meaſure to occupy the place of the military: the great fortunes of ſome of the chiefs were on ſome occaſions alienated and divided into ſmaller parcels, the poſſeſſors of which were bound to the ſame ſervices to the prince, and intitled to the ſame privileges as the former poſſeſſors: and as they were at all times liable to be ſummoned, and obliged to attend the councils of the prince, this ſubjected theſe ſmaller barons to ſo much trouble and expence as to become a grievous burden upon them, of which they were extremely deſirous to be freed. On this account they moved for, and at length obtained the privilege of deputing only a ſmall number of their own order to attend the king's councils, which ſhould be accepted of as an acquittal for the ſervices, on that account, of the whole. Such is the origin of that order in parliament diſtinguiſhed by the name of *Knights*:—an order which, although now denominated *commons*, is really and truly repreſentative of the nobility, formerly diſtinguiſhed by the appellation of *Barons*. That order which formed originally the ſtanding council of the prince, and might be denominated his peers—what we now call *nobles*, is a claſs of people that have come in the ſtead of thoſe *greater* barons who were able to attend the councils of the prince without inconvenience, and therefore continued to attend in perſon. They are now diſtinguiſhed from the others by being created by patent,—an honorary device of late invention.

As the captain, prince, or king, had originally large demeſnes aſſigned him, and as all his vaſſals were obliged to attend his ſtandard, if called, for a limited time each year, with a number of ſoldiers proportioned to the extent of their demeſnes, at their own expence, he ſtood in no need of money for the defence of the ſtate; and theſe ſervices were inſtead of all taxes, unleſs it was certain ſums particularly ſpecified for extraordinary occaſions, as the ranſom of the prince, or marriage of the king's daughter, &c. But as the prince received no benefit from theſe ſervices in time of peace, he naturally wiſhed for war, that thus he might become a perſon of greater conſequence; and, unfortunately for Britain, her kings cut out work enough for themſelves in that way by their ridiculous claims on France, which had certainly no other rational tendency but to augment the glory of the prince. But although the feudal inſtitution was well enough calculated for the defence of the realm, that mode of obtaining ſoldiers was very ill calculated for carrying on foreign wars, and ſtill worſe for maintaining conqueſts. It therefore became the deſire of the prince to get money in place of theſe ſervices; and as this was

at the ſame time leſs burdenſome to the ſubject, theſe ſervices were often converted into money for the benefit of both parties, and to their mutual ſatisfaction.

When emergencies occurred in which the prince had occaſion for more money than his own demeſnes and the converſion of theſe ſervices produced, it could only be obtained in name of a *free gift* from his prelates and barons in parliament, who, as muſt be neceſſarily inferred from the name, had each the ſole power of nominating the ſum that they choſe to give reſpectively.

Hitherto we have had occaſion to take notice of only two orders of lay-citizens, the *King* and *Barons*. The *people* properly ſo called were conſidered as nothing. They were ſlaves * in every reſpect, ſubjected to the power of the baron under whom they were placed; nor did they ſeem, for a long time, to merit the attention of the legiſlative council of the nation. The barons bravely aſſerted their liberties, and defended their rights from the encroachments of the crown; but it was their own privileges they defended with ſuch ſucceſsful reſolution on the famous plain of Runymede, and not that of the people. It was to ſecure theſe liberties that the famous *Magna Charta* was granted, in which, although we muſt admire the moderation of the prevailing party, and approve of the wiſdom of their inſtitutions, yet, in conformity with the prevailing ſpirit of the times, we meet with few ſtipulations for the meaner orders of the people. It is happy, however, for us, that by the *bill of rights* theſe ſtipulations in favour of the liberty of the barons only, are in a great meaſure transferred to all orders of the people, which gives to us a degree of liberty that no other nation ever enjoyed †, and which it becomes our duty as men and citizens not to ſee infringed.

In the early ages of the Britiſh empire, while the feudal ſyſtem was in full force, commerce was reckoned a vile art, and little practiſed: but, as the benefits of this came to be known, princes for their own profit granted certain privileges to thoſe who practiſed it. Charters were given to particular towns, by which the inhabitants were freed from any dependence on any chieftain: they became a ſort of republican ſocieties under the immediate protection of the crown, but governed by their own municipal regulations. Under the influence of theſe laws the *people*, who gradually withdrew themſelves from the great barons, came to have ſome ſort of privileges, and began gradually to experience an inferior kind of liberty of their own. When theſe communities by this means came to be poſſeſſed of riches, it was ſoon obſerved by the prince as well as the barons, that when all other orders of the ſtate aſſiſted the crown by a free gift, theſe, who were neither under the dominion of the clergy nor barons, were totally exeemed, and contributed nothing to the exigencies of the ſtate; and it was too much the intereſt of all the other powerful parties to prevent this from being the caſe, to expect that it ſhould long continue ſo. They were required to contribute to the exigencies of the ſtate; and as, under the feudal government, all taxes uſed to be obtained as *a gift*, theſe were ſummoned to ſend deputies to the court, with full powers from the conſti-

* I here call the people ſlaves, in contradiſtinction to the freedom we now enjoy, not becauſe they were literally what we now mean by that appellation.

† In forming an opinion of antient inſtitutions, we are often impoſed upon by the names employed, not ſufficiently adverting to the different meaning that the ſame term often denotes at different periods. No term has been employed in a more vague manner than that of *people*, nor did it ever in antient times denote what we now mean by that word. In Britain it uſually meant the higher order of citizens called by us *freeholders*, the lower ranks being ſeldom accounted of any note in the ſtate. In the free ſtates in Greece it had nearly a ſimilar acceptation. We find that the inhabitants of Athens were divided into three orders, which, about the CXVIth Olympiad, were proportioned as under: *viz.* citizens 21,000, ſtrangers 10,000, ſervants 40,000. It was the firſt claſs only who were denominated the *people* of Athens. The others were in a great meaſure ſlaves, who were accounted as nothing in the ſtate, and never had any ſhare in the legiſlative council, were ſeverely taxed, and hardly intitled to any immunities. How different is the freedom of Britain, where the liberty of every the meaneſt individual is as effectually ſecured as of the king himſelf!

We ought to guard againſt being impoſed upon by names,—a common ſource of error in all ages. Britain has, however, derived advantages from this circumſtance.

tuents of each to grant, in the name of their whole community, whatever ſupplies ſhould be deemed neceſſary. Theſe deputies were accordingly aſſembled. The demands of the crown were announced to them, to which they were required to aſſent. The amount of the *free gift* for each burgh was thus aſcertained, which buſineſs being finiſhed, each returned to his own abode, without intermeddling any farther with affairs of ſtate.

Such is the origin of that order in our ſenate diſtinguiſhed by the name of *Burgeſſes*—the only part of our parliament that can claim the moſt diſtant title of being the repreſentatives of any order of the people, properly ſo called. And to this circumſtance I believe we may attribute the origin of that idea that has ſince become ſo prevalent in Britain, that no Britiſh ſubject can be taxed without the conſent of his own repreſentatives in parliament.

But ſo long as this order of citizens continued to act merely as the repreſentatives of the burghs, for the purpoſe of granting voluntary aids to the crown, although their taxes had the name of being *free gifts*, they were nevertheleſs intirely determined by the will of the crown: for ſo long as theſe deputies had no ſhare in the legiſlation of the ſtate, and ſo long as their intereſt was conſidered as being intirely ſeparate and diſtinct from that of the barons and the reſt of the people *, it is eaſy to ſee that the crown needed only to propoſe a law with regard to them, to which the barons would chearfully aſſent, however iniquitous or oppreſſive it might be. They were therefore the creatures of the crown, to whoſe deſires they were obliged implicitly to ſubmit, as it was to the protection of the prince alone that they owed their very being.

It deſerves alſo to be noted that the ſame principles of ariſtocracy that prevailed through other parts of the kingdom were adopted here. A certain ſum was voluntarily granted by a city, the magiſtrates of which might levy it in what manner they ſaw fit, from the lower orders of their citizens, without any controul from the general laws of the land. The liberty of individuals ſeems to have been as yet an object beneath the attention of the legiſlature.

But although the crown was thus at liberty to tax the burghs at pleaſure †, without the ſmalleſt oppoſition from the barons, yet as various new caſes occurred in the courſe of ages, that had not been foreſeen by the original ſettlers of the feudal ſyſtem, and conſequently had not been provided for in the original compact between the king and barons, theſe furniſhed cauſe for conteſts and much bloodſhed in future times. Among theſe, the moſt conſiderable was the duties that might be drawn for importing or exporting mercantile commodities: the right of levying which was often claimed by the crown, while it was as violently oppoſed by the barons; a claim, which notwithſtanding the moſt authentic charters, and other public ſolemn deeds, was never finally ſettled till the happy revolution—the true æra of Britiſh liberty.

It would be tedious and unneceſſary here to trace the gradual ſteps by which the Britiſh parliament aſſumed its preſent form. It is ſufficient to obſerve, that the above is a fair and impartial account of the real origin of all that part of the conſtitution that can claim the title of repreſentatives of any ſort; and, as theſe repreſentatives are elected at this day in the very ſame manner as is above repreſented, it appears that all the houſe of commons, excepting the few burgeſſes, are really repreſentatives of the antient order of *barons*, and not of the

* It is eaſy to ſee that in the circumſtances theſe communities were then placed, this could not fail to have happened. It is probably to the partial views of our rude anceſtors in this reſpect, and the influence that theſe doctrines obtained over the riſing generations from the early prejudices of education, that we muſt attribute that ridiculous jealouſy that mutually ſubſiſted for ſo many years in this iſland between the mercantile and landed intereſt, whoſe ill grounded contentions have occaſioned much harm to the nation—A jealouſy which, although now abated, is not yet quite extinguiſhed.

† It is obvious that the *free gift* of the barons anſwered pretty much the ſame purpoſe as the general land-tax. It was intended as a general aſſeſſment on all perſons poſſeſſing property; the free gift of the burghs was therefore intended to make that aſſeſſment extend to the inhabitants of theſe, as well as the inhabitants of the country, the ſubjects of the barons. The taxes after-mentioned came to be viewed in a very different light by the barons.

people; nine-tenths of whom neither now have, nor ever had one ſingle repreſentative in parliament, nor gave their aſſent to any law whatever. Thoſe, therefore, who contend that the liberties of Britiſh ſubjects depend upon their giving their aſſent, by means of their repreſentatives, to all the laws by which they are bound, are guilty of a like abſurdity with thoſe who celebrate, in ſuch pompous ſtrains, the bravery and *diſintereſted* efforts of thoſe bold barons, who forced the king to grant a charter of liberties to the *people*. Theſe barons indeed did force, by that means, a charter of liberties for themſelves and their own order, to tranſmit to their poſterity, unimpaired, that grand ſyſtem of ariſtocratic independence, which enabled them to govern their own vaſſals without controul; but it was not till commerce introduced riches among the lower ranks of people, which gradually ſapped the foundations of that ariſtocracy, that the firſt dawnings of real liberty appeared in this country. The ſame ſyſtem of repreſentation that now takes place had prevailed, without any alteration, for many ages before theſe dawnings of liberty appeared. This circumſtance, therefore, in itſelf cannot be accounted the great ſource of our liberties. We were ſlaves long after we enjoyed it, and might have been ſo ſtill, but for other cauſes that deſerve to be more particularly attended to.

I am ſufficiently aware that it will be objected to me, that although Britain does not indeed enjoy a *perfect*, or a *direct* repreſentation of all orders of its people, ſtill they are *effectively* repreſented, becauſe its legiſlators cannot tax (for this is the great article of legiſlation moſt ſtrenuouſly contended for) the people without involving themſelves in the effects of this taxation. They are all members of one community, and the intereſt of every individual is affected by the ſtate of the whole. Should the people, therefore, be oppreſſed, the legiſlators would ſuffer with them; therefore it is inferred that the people are ſafe under a legiſlation in theſe circumſtances.

This, if I miſtake not, is the true meaning of the defination of *effective* repreſentation given by Urbanus. "This," ſays he, "I call an *effective repreſentation*, when thus it becomes impoſſible for one part of the community to purſue meaſures in any capital point injurious to another, without involving themſelves, and feeling the *immediate* or more *remote* conſequences." As much ſtreſs ſeems to be laid upon this kind of effective repreſentation, I ſhall be at ſome pains to trace its nature, and to point out the conſequences that muſt be drawn from this ſyſtem of reaſoning.

The advocates for this ſyſtem ſeem to form an opinion of mankind very different from that which I have been obliged to adopt, by a careful attention to ſuch facts as have come within the reach of my obſervation: for ſo far am I from thinking that mankind are *univerſally* diſpoſed to forego a preſent pleaſure, or an *immediate* advantage to themſelves, when it is probable that, by graſping at that advantage, they or their heirs may, at ſome *diſtant period*, ſuffer a greater inconvenience which they might avoid by foregoing it, that, it appears to me, if there are any men who can properly compute the real difference between two benefits, the one immediate and certain, the other diſtant and contingent, the number is extremely ſmall; ſo that if our liberties were to reſt on this foundation alone, I would ſuppoſe they were in a tottering condition indeed.

I ſhall endeavour to bring this reaſoning more home by a familiar example. Every reaſonable perſon will readily allow, that a proprietor of land is very materially intereſted in the ſucceſs and proſperity of the tenants on his eſtate. If theſe are rich and flouriſhing, they will be enabled to improve their ground, and make it yield crops in many caſes of ten times the value it would yield if they were involved in miſery. In the one caſe, the proprietor can draw but a ſcanty and precarious pittance from a few wretches who are incapable of any ſort of exertion, and in danger of totally deſerting a part of the country where they have few enjoyments, and thus leaving the proprietor or his deſcendants in poſſeſſion of a deſart waſte of no ſort of value. In the other caſe, although they beſtow upon the proprietor only a moderate ſhare of their own profits, his revenues will be large, and his patrimony continually increaſing in value. It is therefore in a very high degree the intereſt of every proprietor not to oppreſs his tenants by exacting very high rents, or otherwiſe harraſſing them, ſo as to depreſs their ſpirits, and render their

efforts feeble; *his* intereſt is evidently connected with *their's*; ſo that he cannot oppreſs them without hurting himſelf or his heirs. But will Urbanus ſeriouſly aſſert, that the majority of the landholders in Britain, or of thoſe of his own acquaintance, act in this particular as if they were influenced by theſe prudent and humane conſiderations? If he ſhall ſay that too many of them do not—is not the inference plain? Is it to be expected that mankind, in private life, where their own intereſt is more immediately concerned in the diſtant conſequences of ſuch councils, and not more nearly intereſted by the preſent advantages, will be leſs prudent and equitable to thoſe under their ſway than legiſlators will be, whoſe intereſt is only eventually affected by the miſery of the people, but whoſe purſes may be immediately filled with their ſpoils. This, however, muſt be ſuppoſed, before we can reſt ſatisfied that our liberties are effectually ſecured by that kind of *effective* repreſentation which Britain enjoys.

Let us now extend our views a little farther, and ſee what effect this kind of *effective* repreſentation produces in other ſtates that enjoy it.

Of all the kingdoms in Europe, Poland is that which has longeſt adhered to her feudal inſtitutions, and yet maintains its liberties in this reſpect more perfectly than almoſt any other has done within the records of certain hiſtory. Her nobles are at this hour very much in the ſame ſtate our barons wiſhed to be placed in at the famous treaty of Runymede, with this difference however in favour of the former, that they ſtill retain the privilege of electing their own kings, which the Engliſh barons had long before that period renounced.

Nor does this ſeem to be a ſmall ſacrifice made by the Engliſh barons, or a reaſonable conceſſion, were we to argue on the principles of natural liberty, or political prudence obtained from *ſpeculative reaſoning*. For nothing would ſeem to be more abſurd than to allow an infant, or a perſon deſtitute of genius or political talents, to occupy the poſt of the firſt importance in the ſtate, which all thoſe who make the crown hereditary muſt naturally expect may happen. Nor does it ſeem either equitable or prudent, that a body of men who are all equal, and who have all an equal right to that ſupreme honour, ſhould diveſt themſelves and their heirs of that invaluable privilege, and, by veſting it perpetually in another family, raiſe it to ſuch a height as to put their own rights and privileges in danger of being overturned by the overgrown power of this family that they thus exalt to royalty.

Such ſeems to have been the reaſoning of the Poles, and they have preſerved the form of their government unadulterated. Their king is elective, and thus they run *no riſk of ever having an improper one*: their people, the *very loweſt individuals of the ſtate*, are free; becauſe no one can tax them without the conſent of their own *effective* repreſentatives in the general legiſlative council of the nation; for no one will deny that the nobles of Poland, and the loweſt orders of the people, are all "members of *one* community, governed by *one common* political law, and having *one common* intereſt, which neceſſarily produces *one common* ſecurity, no leſs effectual in fact than if every individual had a right to vote *."

Such, O Britons! is the nature of that liberty in which you are perpetually ſecured by means of your *effective* repreſentation in parliament.

* *Excerpts from the* Magna Charta *of the Poles.*

This ſo much boaſted *Poliſh* liberty is properly limited to the nobles only; for they have the power of life and death over their vaſſals, who on that account groan under an oppreſſive vaſſalage, or rather ſlavery. Every nobleman is abſolute lord of his eſtates; ſo that the king can require no ſubſidy from him, nor is he obliged to maintain or find quarter for any ſoldiers. If a foreigner dies on a nobleman's eſtate in Poland without leaving any heirs, his effects fall to the lord of the manor as an eſcheat; but, on the demiſe of a nobleman without heirs, his eſtate does not eſcheat to the king, whilſt there are any perſons living who are related in the eighth degree from the deceaſed: and if a nobleman dies without heirs, or any ſuch relations, the king cannot appropriate his eſtate to himſelf, but is obliged to beſtow it upon ſome other nobleman of merit. The houſe of a nobleman is a ſecure aſylum for perſons who have committed any crime, for none muſt preſume to take them from thence by force. The judges in the towns dare not cauſe a nobleman's vaſſal to be arreſted, or his effects to be ſeized. Noblemen and their vaſſals pay no toll or duty for the corn, cattle, &c. which they ſend out of the country for ſale. They have alſo the liberty of working any mines or ſalt-works on their eſtates. No magiſtrate, nor even the

I hope I ſhall not be here accuſed of drawing an inference that the reaſoning of Urbanus, and others who harp upon this ſtring of *effective* repreſentation, will not juſtly authoriſe; and I can hardly think that any one will be ſo blind as to object to me here, that the Poles have no elected members at their diet, and that therefore we cannot compare them with the repreſentatives of our barons; for ſurely our liberties would not be leſs ſecure if all the voters for knights to ſerve in parliament were intitled to ſit there themſelves inſtead of their repreſentatives, which is the caſe with Poland. Their *people* therefore, if the above reaſoning is juſt, are as *effectually* repreſented at the diets as ours are in parliament; and if we enjoy valuable liberties, while they are the moſt abject ſlaves, it is not becauſe the intereſt of the nobles in the one caſe is not as naturally and neceſſarily connected with the people, as that of our repreſentatives in parliament is with what may be properly called the *people* in Britain, but becauſe we are poſſeſſed of other advantages, altogether independent of repreſentation, that inſure our liberties to us.

Indeed this doctrine of effective repreſentation is in itſelf ſo abſurd, and the inferences that may naturally be drawn from it are ſo truly ridiculous, that it requires ſome effort in a man, who is himſelf ſerious, to perſuade himſelf that any man who had reaſoned even in a curſory manner, could bring himſelf to adopt the doctrine in good earneſt. But when the mind is once put into a certain train, it runs on of itſelf, and the underſtanding is not at leiſure to attend to all the circumſtances that it ought to obſerve: but as nothing can be more prejudicial to truth, or has a greater effect in impoſing on the minds of inattentive readers, than theſe vague and indefinite phraſes, it becomes neceſſary to expoſe them.—On this account I think it incumbent on me to purſue this ſubject a little farther.

If we can ſay that any nation, or part of a nation, is *effectively* repreſented in the ſupreme ſovereignty of the ſtate, and that their liberties are effectually ſecured, if theſe people and the legiſlature, whatever they be, are all members of *one* community, &c. and where no meaſures of importance can be adopted by the ſovereignty with reſpect to the other claſſes of the people, the conſequences of which will not be felt by them either immediately or more *remotely*; it would be no unreaſonable ſtretch of fancy to ſay, that, according to this definition, there perhaps never was, or ever will be a government in which the people were not free; for I do not think it poſſible to ſuppoſe a caſe in which the perſon or perſons who hold the ſupreme authority are not of the *ſame community* † with the

king himſelf, can cauſe a nobleman to be arreſted, without ſignifying the crime he is guilty of, and a previous citation—unleſs he be a robber, and have been three times impeached by his aſſociates, or be ſurpriſed in any crime *ipſo facto*, or, laſtly, when he cannot, or will not put in bail. A nobleman is ſubject to none but the king: however, he is not obliged to appear before his majeſty out of the kingdom, when cited on any cauſe, unleſs it be to the royal treaſury, but muſt be judged in Poland. All eccleſiaſtical dignities and civil poſts in this kingdom, are to be held only by the nobility. None but noblemen are qualified to be proprietors of eſtates, except the burghers of the cities of *Thorn*, *Cracow*, *Wilna*, *Lemberg*, and *Lublin*, who have the privileges of purchaſing lands. Any nobleman may purchaſe a houſe, and live in a city or town, but he muſt then ſubmit to ſerve municipal offices; and if he is concerned in trade or commerce, he forfeits the privileges of a noble Pole. Every nobleman has a vote in the election of a king, and is even qualified to wear the crown, if he be raiſed to it by the free choice of the reſt of the nobility. All civil cauſes relating to the nobility are tried in the provincial courts of judicature; but if a nobleman commence a ſuit with the farmers of the royal demeſnes, a commiſſarial court is appointed to terminate the diſpute.—*Buſching's Geog.*

Among other privileges, the nobility here (this is in Courland, an independent province of Poland) have an unlimited power over their vaſſals, which extends even to life and death; but before they can puniſh a vaſſal with death, they are obliged to hold a regular court under a penalty of one hundred florins (5 l. 16 s. 8 d. Sterl. hence the price of a vaſſal's head is the above ſum). Hence the reſpect the peaſants ſhew their lords riſes almoſt to adoration; and whatever property theſe arbitrary lords require, the wretched vaſſals are obliged to give up, and immediately obey their commands without making any remonſtrances.—*Ibid.*

† I am aware of the uſe that is intended to be made of this phraſe, *the ſame community*; I will therefore aſk, What is *a community?* Is it not a body of men united under one confederacy or government, and ſubjected to one ſyſtem of laws?

people they govern, and muſt in ſome *near* or *remote* way be affected by the proſperity or adverſity of the ſtate—in which ſenſe, the moſt abſolute ſovereign that ever ſat upon a throne might be ſtiled the *effective* repreſentative of the whole people; for whether he himſelf may ſee it or not, his *real* intereſt is undoubtedly connected with the proſperity of his people.

I am fully ſenſible that this could never be meant to be aſſerted by any ſober perſon; but if it cannot be inferred from the definition above given, I do not underſtand it, and I beg that the preciſe point may be ſpecified where effective repreſentation ends, and tyranny begins.

The reſult of the whole of this tedious inveſtigation is, That the phraſe *effective repreſentation* muſt be abandoned as indefinite and abſurd, calculated only to amuſe the ſpeculative, or miſlead the ignorant; that a very great majority of the common people in Britain *never* were repreſented in parliament, nor *ever* gave their aſſent in one way or other to any of the laws to which they are ſubjected; that nevertheleſs it is in general believed, that theſe people enjoy as great a ſhare of political liberty as any others under the ſun;—If this is ſo, the neceſſary inference is, that repreſentation in the legiſlative council of the nation does not conſtitute the eſſence of political liberty.

I might here finiſh theſe remarks on the ſubject of *repreſentation*, having really diſcuſſed all that relates to it in the Britiſh conſtitution: but as it is of importance for the inhabitants of this free ſtate to have a diſtinct idea of every circumſtance relating to this delicate ſubject, which is ſo often employed by the artful to impoſe upon the ignorant and well-intentioned members of the ſtate, I cannot be too particular in developing every circumſtance that relates to it.

It may poſſibly be objected, that although it ſhould be allowed that the members of the houſe of commons are not in good earneſt repreſentatives of the *commons* of Great Britain, and although it be granted that all the lower ranks of people neither have nor ever had any repreſentatives in parliament, this only proves that our political liberty is not compleat, and that this faulty repreſentation is a defect which ought to be remedied, if ever we hope to attain the higheſt degree of freedom that a nation can ever wiſh to enjoy. Let us examine if this ſentiment is well founded or not.

As the parliament conſtitutes the ſupreme legiſlative council of the nation, which is authoriſed to judge of the fitneſs of thoſe laws that are to be binding on the community at large, the qualities moſt neceſſary for theſe ſenators to be poſſeſſed of, are ſound judgment, extenſive knowledge, liberal principles, and enlarged views of political matters,—ſo as to be able to comprehend not only the immediate effects of any propoſed law upon every different claſs of citizens of the ſtate, but alſo to foreſee its more remote influence on the manners and diſpoſitions of the inhabitants;—incorruptible integrity, firm and undaunted reſolution, boldly to maintain the truth on all occaſions againſt any oppoſition, and a heart warmed with benevolence to mankind in general, that diſdains to favour any particular ſect or order of citizens above another, but with a rigid impartiality diſtributes juſtice to all, without favour or prejudice, from the king upon the throne to the beggar on the dunghill.

Theſe are the principal qualifications that we ought to wiſh thoſe to poſſeſs who are exalted to the honour of becoming the legiſlators of a free ſtate. That mode of election, therefore, will be the beſt, which in all human probability is moſt likely to exalt the greateſt number of men poſſeſſing theſe qualifications, to this important office.

Now I aſk any unprejudiced perſon, Whether he thinks that a number of independent gentlemen, who are to give their ſuffrages for one of their own number whom each of them is perſonally acquainted with, will be moſt likely to judge properly of the qualifications of a perſon to ſerve in parliament, or an immenſe multitude of common people, who can neither know what are the proper qualifications that ought to recommend a candidate to their notice, nor to judge with the ſmalleſt appearance of impartiality which of theſe candidates is poſſeſſed of theſe qualities in the higheſt degree? The caſe needs but to be fairly ſtated to obtain a definitive anſwer: but if a ſtronger proof were wanted, the experience of what happens daily with regard to the Engliſh burghs would be more than ſufficient to anſwer this pur-

poſe. I do not expect that any ſet of *voters* ſhall be altogether unbiaſſed in all caſes by ſiniſter motives; all that can be expected in human affairs, is, of two evils to chuſe the leaſt.

In the above caſe I have ſuppoſed that voters of both kinds are to have the ſame liberty the preſent voters have, of chuſing people in independent circumſtances; but were we to have recourſe to the primitive natural idea of repreſentation—that is, that every order of citizens in the ſtate ſhould ſend certain repreſentatives choſen *from among themſelves*, who being made acquainted with the peculiar wants of their own claſs of citizens, and being inſtructed by their conſtituents as to their ſentiments on every particular that regarded themſelves, ſhould have it in charge to watch over the ſafety and welfare of that particular claſs of citizens to which they ſeverally belonged, to promote every law that promiſed to be beneficial to them, and to oppoſe every thing that was hurtful, and in this manner to be the legal guardians and repreſentatives of that claſs of people in the *true* and unequivocal ſenſe of the word; ſuch were the repreſentatives of the burghs already mentioned at the beginning, when they were paid for their ſervices by their conſtituents, and before bribery and corruption had begun to take place—As to that article, let us examine what would be the reſult with reſpect to the liberty of the lower ranks of people.

The firſt idea that preſents itſelf when we ſurvey a ſet of repreſentatives in theſe circumſtances is, that being neceſſarily perſons of low rank, whoſe education muſt of courſe be narrow and confined, they would be incapable of forming a proper judgment of the benefit or hurt that would reſult from any law that ſhould be propoſed for their ſuffrages, and therefore might be eaſily impoſed on by artful men to paſs iniquitous laws, or by their own ignorance might paſs others that were ridiculous and abſurd.

I remember to have heard an anecdote of a bailie that had been newly elected into that office in one of the royal burghs in Scotland, who might probably have been one of the repreſentatives in parliament had this method of electing ſtill continued in force. Full of the importance of his new dignity, he propoſed, like many other equally perfect patriots, to reform all the abuſes of the government of that burgh that had honoured him with their ſuffrages. When a private individual, he had felt that the malt-tax was a very heavy burden on the lieges, and therefore he moved in full council, that an act might be made by the provoſt and other bailies to aboliſh that heavy tax on the town, or at leaſt to moderate it greatly.—Could we expect, that in his ſupreme capacity he would have acted with greater conſiſtency?

Another inconvenience that would be immediately felt from ſuch a ſyſtem of repreſentation, would be the great facility of corrupting the repreſentatives. Men who are poor are more liable to temptations in this way than others; men who do not pique themſelves upon principles of honour, will be leſs ſcrupulous in this reſpect than others. This is ſo plain as to need no illuſtration.

But let us for a moment ſuppoſe that heaven ſhould work a miracle, and keep them all untainted by corruption. If the repreſentation was compleat, every order of men muſt have diſtinct repreſentatives for themſelves, like the corporations in the royal burghs—taylors, ſhoe-makers, ſmiths, carpenters, farmers, ſailors, merchants, and ſo on, through the whole order of crafts and artizans, each of whom ſhould go to the ſupreme aſſembly with a firm intention to oppoſe every bill that could hurt his craft, and to forward every one that could promote it. Here, then, we are preſented with an aſſembly of narrow-minded ſelfiſh zealots at enmity with one another, incapable by that very circumſtance either of ſerving their conſtituents, or benefiting their country. For, ſuppoſing a bill was propoſed that was materially to affect the taylors, the whole band of repreſentatives of this claſs, it may be ſuppoſed, would ſtrenuouſly oppoſe it with all their might; but as the weavers, ſhoemakers, &c. and all the others would think what was got from the taylors would be ſaved from themſelves, they would as keenly promote it, ſo that the bill muſt paſs by a great majority; and in the ſame manner muſt every other money bill be paſſed, if a majority of votes determined it.

But the idea is ſo abſurd of conveening ſuch an aſſembly for the purpoſe of legiſlation, that I ought to beg pardon of the reader for ſeriouſly offering to ſhow the

hurtful conſequences that muſt reſult from ſuch a ſpecies of liberty as ſome modern patriots contend for. At a ſuperficial glance their ſyſtem ſeems beautiful and well proportioned; when it is nearly examined, it appears beyond imagination ridiculous and abſurd.

I ſhall not detain the reader longer on this ſubject but barely to obſerve, that in Sweden the people are poſſeſſed of the power of chuſing repreſentatives more nearly in this manner than in any other country; for there there is a diſtinct claſs in the legiſlative council for the peaſants, and another for the artizans. Every one knows with what facility theſe repreſentatives made a ſurrender of the whole liberties of themſelves and their conſtituents to their prince.—Such a conduct might naturally have been expected from ſuch a ſenate.

Such then, O my countrymen! are the conſequences that you might hope to reap from that perfect repreſentation of all ranks of people in the ſupreme legiſlative council of the nation, that is held forth to you as the only true ſtandard of actual freedom.

I have thus, Sir, been at more than ordinary pains to inveſtigate the nature and tendency of the popular doctrine of *repreſentation* in every point of view, with all the coolneſs and impartiality poſſible. Upon the whole, I hope it will be allowed, that if I have demonſtrated that the commons, by which I may be underſtood thoſe ranks of people who are not poſſeſſed of landed property, are not, nor ever were *really* repreſented in the Britiſh parliament *, and that the term *effective* repreſentation is a phantom of imagination which can have no influence in preſerving the freedom of any political ſociety; it muſt follow, that by far the greater part of the inhabitants of Britain are ſubjected to taxes to which neither they nor their repreſentatives ever gave their conſent; and hence, that the celebrated doctrine of taxation being inſeparable from repreſentation in a free ſtate, with all the conſequences that are derived from it, muſt fall to the ground—if Britain be allowed to be a free ſtate.

Again: If it be allowed that the ſubjects of Britain were repreſented in parliament many hundred years ago exactly in the ſame manner as they are at this day, which it is preſumed cannot be denied by any conſiderate perſon; and if it be allowed that, during that period, princes have ſat upon the throne who were as abſolute lords over the lives and property of their ſubjects as any potentate in Europe at this day; and if the parliaments of theſe princes were the ſervile tools of the ſovereign, by means of whom he more effectually eſtabliſhed his arbitrary ſway, which will be denied by none who are acquainted with the hiſtory of their country,—it muſt follow, that the liberties we enjoy at preſent are not derived to us from the kind of repreſentation we poſſeſs, but muſt ariſe from ſome other principle that has not been yet explained.

And, finally, if facts are to be truſted, or the reaſoning above can be relied on as juſt, it muſt be allowed, that were the lower orders of people more perfectly repreſented in parliament, our liberties would be much leſs perfect, and the continuance of it much more precarious than at preſent.

I am ſufficiently aware, that the concluſions I have been obliged to draw from this accurate inveſtigation of the ſubject of repreſentation, are ſo directly contrary to the general opinion on that ſubject, as will be apt to make many of your readers imagine I have been at pains to diſguiſe circumſtances with a view to make them correſpond with ſome favourite theory of my own,—a kind of deception too common in party diſputes. I flatter myſelf, however, that thoſe who take the trouble to attend with care to theſe arguments, will eaſily ſee that this is not the caſe; and I ſhall be glad if any one who perceives any fallacy of argument, or miſrepreſentation of fact, will take the trouble of pointing them out, that the errors ariſing from theſe may be corrected. But as I undertook this eſſay with a view to diſcover the truth, if poſſible, I am determined to follow that where-ever it may lead, without regard to perſons of any ſort, and without any deference to vulgar prejudices, however they may have been ſanctified by length of time, or other circumſtances.

What has probably contributed great-

* According to the idea of ſtrict repreſentation, it muſt be allowed that the burgeſſes in parliament are not true repreſentatives of the burghs, as theſe are often men who have no ſort of connection with theſe burghs, and are not ſo much as perſonally acquainted with one member of the community they repreſent.

ly to miſlead the inhabitants of Britain in this particular, has been the manner in which the members of the lower houſe of commons are elected. The law and cuſtom of the country has ordered that theſe ſhall be choſen by a certain body of men, diſperſed throughout the whole kingdom. This has ſo much the appearance of an election of a deputy by any other community to act inſtead of the whole on any particular occaſion, having powers for that purpoſe, and particular inſtructions by which he ſhould govern himſelf, that people have naturally fallen into the idea, that the perſon ſo choſen is actually ſuch a deputy, or, in other words, the real repreſentative of that particular community.

This, however, is not the caſe. The conſtitution of this country has veſted the ſupreme legiſlative power in a certain number of the members of the community, a large proportion of which perſons are only veſted with that authority for a limited time; and the ſame law has declared, that when that power is at an end, a certain claſs of the citizens ſhall be authoriſed to elect new members in the ſtead of the old.

It does not follow, that theſe members of the council are the repreſentatives of the electors, no more than it follows, that the emperor of Germany is the repreſentative of the different electoral princes, the Pope of the college of cardinals, or any other magiſtrate whatever, of the body of the people who are authoriſed to nominate him. All that can be ſaid of theſe caſes is, that certain offices have been judged neceſſary for the good government of theſe different countries, the perſons who fill which are veſted with certain privileges and powers, and that ſome particular claſs of perſons in the ſtate have the excluſive privilege of nominating who ſhall be appointed to exerciſe this office.

When the order of repreſentatives for knights and burgeſſes was firſt inſtituted, it is probable they were deputies, or repreſentatives in the *ſtrict* and *literal* ſenſe of the word. Their ſole buſineſs was to grant ſupplies in the name of the communities who choſe them, and they were probably fully inſtructed by their conſtituents as to this particular, and expreſsly limited by them as to the real amount of the ſupplies to be granted by each, which they could on no account exceed.

But as the ideas of political juriſprudence began to be developed, it was found neceſſary that theſe, in concurrence with the other orders of the ſtate, ſhould be veſted with a *ſupreme legiſlative power*, which ſhould be binding on the whole community in all caſes. Theſe were then not only to impoſe taxes on their *own particular conſtituents*, but to enact laws to anſwer all emergencies that ſhould occur. From this time they could no longer be conſidered as the agents or deputies of a particular ſet of men, ſubject to their controul, but as free agents, who were authoriſed to deliberate, and to act with perfect freedom in all caſes, according to the beſt of their judgment, being ſubjected only to thoſe great and immutable laws of the community which had preſcribed invariable bounds to the authority of the ſeveral ruling powers of the ſtate.

This being the caſe, nothing could be productive of worſe conſequences than for our members of parliament to conſider themſelves as deputies for certain diſtricts, whoſe intereſt they were bound in duty to promote, even at the expence of other parts of the country. Theſe are, if you pleaſe, repreſentatives of the ſtate at large; not only their own conſtituents, but every individual member of the community intruſting into their hands, and the other ruling powers of the ſtate, every thing that relates to their political welfare, under ſuch reſtraints and reſtrictions as the community at large in their great wiſdom have thought fit to impoſe. On theſe accounts, there can be no doubt that ſhould a member of the Britiſh ſenate knowingly and wilfully be aiding in procuring any advantages for his own particular diſtrict, or for thoſe ſet of men who elected him to that dignity, to the general prejudice of the community, he would be guilty of *treaſon to the ſtate*,—he would betray the truſt repoſed in him, and ought in juſtice to be puniſhable for the crime. He is the legiſlator of the *whole community*, every member of which has an equal right to expect impartial juſtice from him as well as from any other member of it, and thoſe only perform their parts properly in this important ſphere, who conſider it in this extended view.—Unhappy would it be for Britain, if the majority of theſe members ſhould ever come to think in a leſs liberal manner.

What has probably helped to confirm the people in their deluſion about repreſentatives and taxation, is the vulgar prejudice ſo often retailed in converſation and writings of almoſt every ſort, that it is the houſe of commons who grant the ſupplies for government.—Nothing can be more falſe than this opinion. No law whatever can be enacted in Britain without the concurrent voice of all the three members of the legiſlature, king, lords, and commons; nor are the money bills any exception to this general rule. Theſe laws are enacted exactly in the ſame manner as every other law whatever, with this only difference, that theſe muſt originate in the lower houſe, an *etiquette* of no ſort of conſequence in itſelf; for if the commons have a power of putting a negative on any bill that comes from the other houſe, their power of preventing theſe bills from paſſing into laws is as great as if they ſhould reject them before they went to the houſe of peers; and if the peers have a power of rejecting any bill that comes from the houſe of commons, they have ſurely as much power over them as if they had originated in their own houſe. But, as the ſupplies cannot be granted without the concurrence of the houſe of peers, with what ſhew of juſtice can we ſay that theſe are granted by the commons more than any other law? All laws muſt be enacted, and all ſupplies be equally granted by *both* houſes of parliament, ſo that there is here a diſtinction without a difference.

In ſupport of the idea of the members of the houſe of commons being *real* or *effective* repreſentatives of the people, and that our liberties are ſecured chiefly by this means, it has been aſſerted, that our repreſentatives cannot impoſe taxes on any of the members of the community without at the ſame time being taxed themſelves: but this is not true.—There is nothing to hinder them *as repreſentatives* (were there not other checks provided by the conſtitution to prevent this unjuſt exertion of power), to impoſe heavy taxes upon one body of the citizens and exeem others; nothing to prevent them from freeing themſelves and their conſtituents from all burdens, and levying the whole from the people; nor need we doubt that they would be slow to exert this power were they not controuled, not by their conſtituents, but by other more powerful bulwarks of our liberty, which the wiſdom of our forefathers has known to provide for us. In ſome trivial inſtances, they have been allowed to exerciſe this privilege where it could be of no importance to the ſecurity of the other orders of the ſtate, as in the privilege of getting letters carried free, and ſome other trifling immunities; but in greater matters there are other barriers laid in their way, which, it is to be hoped, they will never be able to ſurmount.

Having thus cleared away ſome rubbiſh that lay in our way, which has been often employed to raiſe a duſt to perplex thoſe who inveſtigated this ſubject, I ſhall now proceed to endeavour to inveſtigate the nature of thoſe particulars that conſtitute the eſſence of political freedom.

"THERE is no word," ſays Monteſquieu*, "that has admitted of more various ſignifications, and has made more different impreſſions on human minds, than that of *liberty*. Some have taken it for a facility of depoſing a perſon on whom they had conferred a tyrannical authority; others for the power of chuſing a perſon whom they are obliged to obey; others for the right of bearing arms, and of being thereby enabled to uſe violence; others for the privilege of being governed by a native of their own country, or by their own laws. A certain nation, for a long time, thought liberty conſiſted in the privilege of wearing a long beard. Some have annexed this name to one form of government, in excluſion of others. Thoſe who had a republican taſte applied it to this government; thoſe who liked a monarchial ſtate, gave it to monarchies. Thus, they all have applied the name of liberty to the government moſt conformable to their own cuſtoms and inclinations; and, as in a republic, people have not ſo conſtant and ſo preſent a view of the inſtruments of the evils they complain of, and likewiſe as the laws ſeem there to ſpeak more, and the executors of the law leſs, it is generally attributed to republics, and denied to monarchies. In fine, as in democracies the people *ſeem* to do very near whatever they pleaſe, liberty has been placed in this ſort of government, and the *power* of the people has been confounded with their *liberty*.

* *Spirit of Laws*, Lib. XI.

"But political liberty does not conſiſt in an unreſtrained freedom. In governments, that is, in ſocieties directed by laws, liberty can conſiſt only in the power of doing what we *ought to will*, and in not being conſtrained to do what we *ought not to will*.

"We muſt have continually preſent to our minds the difference between *independence* and *liberty*. *Liberty is a right of doing whatever the laws permit;* and if a citizen could do what they forbid, he would no longer be poſſeſſed of liberty, becauſe all his fellow-citizens would have the ſame power."

I have quoted this paſſage at large, as it contains the opinion of one who will not be accuſed of favouring tyranny of any ſort, or of being diſpoſed to undermine the natural rights of mankind. And indeed reaſon, without any human authority, muſt plainly teach every conſiderate perſon, that political freedom cannot poſſibly exiſt in any ſtate where *an intire ſubmiſſion to the laws* is not exacted from every individual. Thoſe, therefore, who pretend that every individual has an unalienable right of judging of every law, and of oppoſing by force of arms ſuch as they may think improper, maintain a doctrine that is altogether incompatible with the exiſtence of any political ſociety, as it totally deſtroys the only band of union by which individuals can be connected together, and mutual ſafety be produced.

Hence it follows, that in judging of the propriety of conduct of any individual, or of any combination of men that may be formed in a civilized ſtate, we muſt have recourſe to the laws of that particular ſtate, by which all perſons accuſed of crimes or miſdemeanours muſt be tried, and acquitted or condemned as theſe ſhall direct:—For, ſhould we allow that any perſon in the ſtate could be tried and condemned by any other means, we would deſtroy that ſecurity that every member in a free ſtate ought in all caſes to enjoy. A man in a well governed ſociety can be guilty of no crime, for which he could with equity be puniſhed, unleſs he could have known and avoided that crime, if he had ſo inclined; but it is impoſſible for any man to know what is a crime, or what he may forfeit by the commiſſion of it, except in ſo far as the law has defined and aſcertained it;—therefore he that has not tranſgreſſed the laws of his own native country cannot poſſibly be guilty of a political fault; and he who tranſgreſſes theſe laws in any one inſtance, has been guilty of a crime, and ought in juſtice to ſuffer the puniſhment that the law has inflicted on thoſe who have been guilty of that tranſgreſſion.

It will eaſily occur to the reader, that the natural inference to be drawn from the premiſes is, that, judging of the preſent American diſpute, we muſt be *intirely* guided by the *laws* of Great Britain, and find the parties accuſed innocent or guilty, according as they may have adhered to, or violated theſe laws. Nor can they, as members of a political ſociety, have recourſe to any other criterion of juſtice whatever.

But although the argument is without doubt concluſive, if conſidered merely in this point of view, without any farther explanation, yet, as it has ſomewhat the appearance of harſhneſs and ſeverity, to reject in ſuch a ſummary way the appeals that may be made to the principles of natural equity, the original rights of mankind, and many other topics that are well calculated to catch the attention of the unwary, and to claim the warm applauſe of the humane and the good, it is proper that we ſhould enter into the argument a little more minutely, that we may have an opportunity of clearing the minds of the inconſiderate from prejudices—of diſtinguiſhing with accuracy the true boundaries between liberty and licentiouſneſs, and of aſſerting and defending, upon the true baſis of equity, thoſe invaluable privileges that we now poſſeſs—Privileges which, as they never were equalled in any other age or country, it behoves us to watch over with the moſt jealous circumſpection, and not to ſuffer ourſelves heedleſsly to abandon either, in compliance with the encroachments of power, or the deluſive faſcination of ſophiſtical reaſoning.

The Romans had imbibed ſuch a deep-rooted averſion to the name of *king*, that no length of time could ever reconcile them to it, ſo that when they had even loſt all pretenſions to freedom they could not bear to ſubmit to one who ſhould aſſume that title, and Auguſtus was obliged to adopt one leſs obnoxious to popular prejudice. In like manner, the people in Britain having, after a long and violent ſtruggle, freed themſelves from the tyrannic ſway of a ſet of de-

ſpots who wiſhed to abaſe them to the moſt abject ſtate of ſlavery, have with juſtice entertained a moſt inſuperable averſion at thoſe pernicious doctrines inculcated by the wretched tools of theſe tyrannic princes, ſo as to entertain an abhorrence even at the terms which theſe have been obliged to employ. On this account, the generous and candid mind of a free-born Briton naturally takes the alarm at the ſound of a *ſupreme uncontroulable* power, and, without examining minutely where this may be lodged, is apt to think that the exerciſe of ſuch a power is altogether inconſiſtent with freedom, and therefore imagines that he ought to oppoſe it wherever it may be met with.

There is ſomething ſo amiable in the *ſpirit of liberty*, and ſo friendly to the general happineſs of mankind, that no good man can ever be offended at ſeeing it even carried to exceſs. It is impoſſible for its full influence ever to be felt without meeting with theſe amiable exceſſes on many occaſions.—May heaven grant that the time be far diſtant when theſe ſhall begin to ſubſide! But while we wiſh to cheriſh the ſpirit of freedom, it behoves every calm and diſpaſſionate perſon gently to moderate theſe exceſſes, and to lead the minds of his benevolent countrymen back again to the path of right reaſon and ſound ſenſe, the only effectual road to freedom and happineſs of every ſort.

On theſe principles, it is fit that every man ſhould be informed, that no political ſociety can poſſibly exiſt without having ſuch a ſupreme and uncontroulable power veſted in ſome members of the community; for, as the laws muſt be binding upon every member of the community at all times, and as it is impoſſible for any human wiſdom to invent a ſyſtem of laws that ſhould be proper for all orders of ſociety on every occaſion, it becomes neceſſary to appoint certain members of the community to have the ſuperintendance of theſe laws, with full powers to enact ſuch as they may from time to time ſee neceſſary for the well-being of the ſtate, and to repeal thoſe that by a change of circumſtances may have become uſeleſs or pernicious. Never was there in the world a ſtate (and there never can exiſt one) in which this ſupreme uncontroulable legiſlative power was not lodged *ſomewhere*. Different ſtates have thought proper to veſt this in different orders of the citizens, and have preſcribed different rules for the exerciſe of it as beſt ſuited the views or circumſtances of the legiſlators, or original inhabitants of theſe ſeveral ſtates; but, with whomſoever this power was intruſted, their decrees were abſolutely binding on every member of the community, nor had any one the power of reſiſting theſe decrees, *when legally made*, without being guilty of treaſon againſt the ſtate.

Our forefathers have thought proper to intruſt the exerciſe of this important power jointly with the king, lords, and commons in parliament. Whether they have judged wiſely in this reſpect, is perhaps leſs neceſſary to be here inquired into, than to ſee upon what conditions they are intruſted with this extenſive power.

There can be no doubt but that, as all political ſocieties have been inſtituted for the good of the community at large, the aim of every kind of government ought to be to protect and give ſecurity to every individual of the ſtate; and thoſe governments that do this in the moſt perfect manner, beſt anſwer the purpoſe for which theſe were inſtituted. The ſafety of the *people**, therefore, ought in all caſes to be the ultimate aim of every law whatever. But as it becomes neceſſary in every political ſociety that power ſhould be intruſted ſomewhere, and as it is too natural for thoſe who are intruſted with authority to wiſh to extend it beyond its proper bounds, and to purſue what may be agreeable to themſelves, although it may be hurtful to other members of the community, there is always danger that the juſt rights of the lower ranks of people will be ſacrificed to the deſires of thoſe in a higher ſphere, unleſs they are at all times preſerved by the moſt uninterrupted attention, as well as the higheſt wiſdom, in ſettling the terms on which they are originally intruſted with that authority.

It has been with a view to obviate theſe inconveniencies, that the original legiſlators, or firſt members of every community, have divided theſe high of-

* By the term *people* muſt here be underſtood the community at large, including perſons of all ranks and conditions whatever. Liberty is equally precious to all orders of men, and a legiſlator who wiſhes to favour one order of citizens more than another, diſcovers a narrowneſs of ſoul that renders him unworthy of occupying that exalted ſtation.

fices of truſt among different members or orders of the ſtate, preſcribing particular bounds to the juriſdiction of each which they may in nowiſe tranſgreſs, and often limiting the time they might be in office, eſtabliſhing rules for the election of ſucceſſors, and adopting other contrivances for checking the power and limiting the authority of each, ſo as to prevent them from oppreſſing the body of the people.

Theſe original laws of the community being once fixed by legiſlators authoriſed for that purpoſe, or by the general concurrence and approbation of all orders in the ſtate, and having acquired every ſanction that human authority can give them, become a ſet of fixed and immutable laws, which unite the ſcattered independent individuals of which the nation conſiſted into one political whole, to which ſyſtem of laws we in modern times have given the appellation of the *conſtitution* of a country, to the obſervance of which every *individual* of the ſtate is bound by the moſt ſacred ties moſt ſtrictly to adhere; nor can any one who infringes theſe in any caſe be intitled to any of the benefits that reſult to that ſociety from their political union, but is, *ipſo facto*, an outlaw, whom every member of the community, or all the other members may, and ought to reſiſt to the utmoſt of their power.

In this manner do the free members of a ſtate provide for their own ſecurity and that of their deſcendants: for although it is abſolutely neceſſary that the ſupreme legiſlative authority ſhall be intruſted with ſome ſelect number of the citizens, and although the decrees of this legiſlative council muſt be binding upon every member of the ſtate when *legally enacted*, yet if the whole, or any part of that legiſlative council ſhall aſſume powers with which they are not veſted by the conſtitution, they are no longer the legiſlators of the ſtate, but uſurpers, and therefore all their decrees are of none effect.

It was by tranſgreſſing theſe laws that the Decemvirs of Rome became a ſet of arbitrary tyrants, and therefore the people were juſtified for the violent manner in which they were expelled. The ſenate and people of Rome, from particular circumſtances, found it neceſſary to inveſt theſe Decemvirs with a new and unaccuſtomed power, for the ſole purpoſe of compoſing a new code of laws, and nothing elſe; but power, as uſual, begot pride, and all the ſelfiſh paſſions. They aſſumed to themſelves not only the legiſlative, but the executive power, and extended their dominion far beyond the limits to which they were confined by the original commiſſion with which they were inveſted, and became the moſt inſolent ſet of tyrants that were ever known to aſſume dominion over a free ſtate. At length, however, the ſhameleſs outrage attempted by Appius on Virginia rouſed the ſpirit of the people, and they hurried them to that deſtruction that their crimes had ſo juſtly merited. They had aſſumed powers contrary to the law, and had ſet themſelves above it, ſo that it neither was neceſſary nor expedient to hope for a legal redreſs; they were no longer members of the community, but intruders, who aimed at no leſs than the deſtruction of the ſtate, and therefore the law of ſelf-defence gave every one a right to deſtroy them.

Similar to this was the crime of Sylla, which he practiſed with better ſucceſs at an after-period in Rome. By the conſtitution of the Roman ſtate the ſenate had a power of nominating, upon extreme emergencies, a magiſtrate endowed with the moſt unlimited authority, whom they called a *Dictator*; but the ſame conſtitution had limited the duration of that authority to ſix months only. Sylla, however, being once inveſted with that authority, found means to continue in it for many years, till he at length voluntarily reſigned it, after having exerciſed it with the moſt unreſtrained cruelty; but Rome was then haſtening to deſtruction, and was not poſſeſſed of that daring ſpirit of liberty that made all ranks of people voluntarily venture their lives in defence of the wounded conſtitution of their country, on the preſervation of which all their liberties depended. Sylla retired peaceably into the ſtate of a private citizen, after being wearied out with murders and devaſtation, and by his example ſhowed that Rome was fitted to receive a maſter; nor was it long before he found a ſucceſſor,—and that ſtate which, while it preſerved its conſtitution inviolate, was the aſtoniſhment and terror of all the world, after it once allowed that to be infringed, quickly became a ſcene of the moſt violent exceſſes of every ſort,

which the mind cannot, even at this distance of time, contemplate without horror.

Nor has the conſtitution of Great Britain been allowed to remain undiſturbed; but happily the attempts that have been made to ruin it have been hitherto oppoſed with ſucceſs. May we be as careful to preſerve it inviolate to our poſterity as our predeceſſors have done to us!—It has been long admitted as one of the firſt principles of our conſtitution, that no municipal law can be enacted without the joint concurrence of the king, and both houſes of parliament. The attempt, therefore, that was made by the king in the laſt century, to levy money by his own ſole authority, was a direct violation of the conſtitution, and thoſe patriots who ſo ſtrenuouſly oppoſed it, ſhowed that they poſſeſſed the true ſpirit of liberty, and their names deſerve to be tranſmitted to poſterity with the moſt diſtinguiſhed honours, as the nobleſt aſſerters of freedom, which they wiſhed to eſtabliſh upon its only ſure foundation—the preſervation of our valuable conſtitution.

But mark the conſequences of being obliged to have recourſe to violent remedies on any occaſion. Nothing could be more juſt or neceſſary than this oppoſition to the meaſures of the court. But men were no ſooner in the practice of making the ſupreme magiſtrate ſubmit to their demands, than they were ſeized with a like deſire of unjuſt dominion as that which they oppoſed; the parliament aſſumed to itſelf an independent dictatorial authority, as contrary to the laws of our conſtitution as that which was claimed by the king, and, by rendering their own aſſembly perpetual, they as effectually ſet up a tyranny in this ſtate as Sylla did in Rome. But happily they were oppoſed by a tyrant as cunning and more daring than themſelves, who, after having made them the tools of his ambitious deſigns, ſummarily diſperſed them; nor was it till after the prejudices of the nation had time to ſubſide, that ſober reaſon began to aſſume her ſway, and make men of ſound ſenſe perceive the very perilous ſtate their liberties were in, when, by a well-timed effort, reſtored the government to its former powers, and veſted, as far as in them lay, every order of the ſtate with their original conſtitutional privileges.

Since, then, the efforts to reſtore a violated conſtitution to its former ſtate are attended with ſo much danger, even when conducted with wiſdom and diſcretion, it behoves every real friend of his country to be extremely attentive in obſerving the firſt deflections of thoſe in authority towards abſolute ſway, and, in time, oppoſe it by ſuch gentle means as the conſtitution has provided for that purpoſe; but on no account ought he to attempt to have recourſe to violent means of redreſs, till there is the moſt ſatisfactory proofs that the real and eſſential laws of the conſtitution have been expreſsly violated, and till every other poſſible mean for obtaining redreſs has been tried in vain, and it appears that there is no probability that time, or a change of circumſtances, will ever produce the deſired effect.

I have been induced to enter into this minute explanation of the meaning of the word *conſtitution*, from having obſerved that moſt perſons who ſpeak or write upon this ſubject have no clear idea of what it means, nor are able to make a diſtinction between *paſſive obedience* and *non-reſiſtance* to the will of a deſpot, and that intire ſubmiſſion to the laws of the community, which is abſolutely neceſſary for the very exiſtence of a political ſociety. As it is of much importance that thoſe whoſe minds may have been warped by prejudices imbibed in early youth, ſhould be ſet right as to this particular, too much pains can hardly be taken to render this ſubject as plain as poſſible.

It appears, then, that in every ſtate there are two diſtinct ſets of laws: One that relates to the regulating the form of government, limiting the number of offices of truſt belonging to the ſtate, preſcribing bounds to the juriſdiction of each, and, in ſhort, regulating the whole political œconomy of the ſtate; which ſome philoſophers have diſtinguiſhed by the name of *political* law.

The other relates intirely to the diſtribution of equity between man and man, and promoting the peace and ſafety of the individuals of the ſtate, which has been diſtinguiſhed by the name of *civil* law.

It is of the moſt primary importance, that every one who wiſhes to attain a diſtinct idea of political liberty, ſhould carefully diſtinguiſh theſe from one another; becauſe, if this is not done, the

mind is conſtantly toſſed from one extreme to another, as it can diſtinguiſh no intermediate ſtep between unlimited ſubmiſſion to the ruling powers, and unreſtrained licentiouſneſs—both of them equally deſtructive of genuine freedom.

A familiar example will beſt explain the difference between theſe two different ſyſtems of laws.

Let us ſuppoſe a number of men have agreed to aſſociate themſelves into a community for the improvement of any one branch of commerce, or any other purpoſe whatever. The original members having met and agreed upon the general purpoſe that was to be aimed at by the ſociety, either by themſelves, or a committee of their number, compoſe a ſyſtem of regulations—preſcribing rules for the good government of the ſociety, appointing certain governors or others to act in name of the whole community, giving them ſuch diſcretionary powers for carrying on the buſineſs of the ſociety, as they, in their own wiſdom, think moſt proper for their well-being—limiting the time of their continuing in office, and ſettling rules for future elections, &c. &c. And after having approved of theſe by general conſent, and publiſhed them ſo as to be known by all concerned, giving liberty to ſuch as might chuſe to enter into the ſociety to be admitted upon complying with certain conditions preſcribed for that purpoſe, and freedom to ſuch as might chuſe to withdraw when they ſhould find it neceſſary, the ſociety is perfectly formed, and is an exact pattern in miniature of the way of inſtituting the government of the ſtate. The fundamental rules of the ſociety form a ſyſtem exactly equivalent to what is denominated the *conſtitution* of a ſtate—to which no one is by compulſion obliged to accede; but to which, if he voluntarily enters, or continues a member, he is bound intirely to adhere.—The director, or governors, or thoſe intruſted with the management of the buſineſs, whatever be their name, are equivalent to the civil magiſtrates of the ſtate, and every rule or act of theirs, while they do not tranſgreſs the powers originally intruſted with them by the conſtituent rules of the ſociety, are equally binding upon every individual member of it: Nor can any one free himſelf from implementing theſe acts, however much he may think himſelf aggrieved by them.

If the fundamental rules of the ſociety have been well digeſted, there will have been certain checks provided to remedy violent diſorders; if it has been injudiciouſly planned, or if any member becomes diſſatisfied in any particular, or apprehends danger to himſelf from his connections with that community, he knows that in a country where law and juſtice are equally diſtributed, he muſt either abide by theſe conſequences *, or avoid them by prudently withdrawing himſelf in time from that ſociety: but, if it can be proved, that any of thoſe intruſted with authority have exceeded the bounds preſcribed by their original inſtitution, every member can have recourſe upon him, and he will be made liable for all the inconveniencies that the ſociety may have ſuffered by theſe tranſgreſſions.

Such are the plain dictates of reaſon and equity, to which every man of common ſenſe muſt yield his aſſent, and ſuch as are practiſed every day in the ordinary affairs of life: nor can there be any reaſon for making a diſtinction between theſe ordinary caſes, and the more momentous affairs of ſtate. They differ not but in name and magnitude,—in their nature they are eſſentially the ſame. By keeping theſe parallel caſes continually in view, it will be more eaſy to form an idea of the ſubject now treated of, than by any other means that have occurred to me †.

* We have had in Scotland a very recent example of this in the fate of a noted ſociety, many of the members of which are now labouring under ſevere hardſhips incurred by having been connected with a ſociety whoſe fundamental rules were either not ſufficiently well digeſted, or not ſtrictly adhered to.

† Although this example may ſerve to convey a diſtinct idea of what is meant by *the conſtitution* of a country, the parallel between ſuch a ſociety and the government of a ſtate could not be carried much farther without leading to error; becauſe, in a private ſociety, the ſmall number of the members, the perfect knowledge that each of them may be ſuppoſed to have of the buſineſs in which they are engaged, and the controuling power of the laws of the country where ſuch a ſociety is formed, which can eaſily interfere and prevent any miſchievous conſequences that might ariſe from uſurpation of authority, or diſunion among the members, make a prodigious difference between the mode of governing or cor-

Every man who has conſidered the nature of government, muſt allow that liberty can only exiſt in thoſe ſtates where *every member* of the whole community is ſubjected to the laws *in all caſes*: but were it not for theſe original laws of the conſtitution, thoſe members of the ſociety who were veſted with a power of altering the municipal laws as they ſaw proper, would be intirely above all law, and therefore all the other members of the ſtate would be ſlaves to their pleaſure.

On the other hand, if every ſubject of the ſtate were intitled to reſiſt every law duly enacted by the legiſlature, when it was not intirely conſonant with his idea of juſtice, liberty, &c. nothing but anarchy could prevail in that ſtate: the will of every man would, in that caſe, be the only law,—which is a total annihilation of all government.

It is therefore juſt, that all the ruling powers of the ſtate ſhould be ſtrictly obliged to adhere to the original laws of the conſtitution. If any one of them tranſgreſs theſe, he ought to be legally puniſhed; or, if that ſhould become impoſſible, his illegal uſurpations may be juſtly oppoſed by force; but if they adhere to theſe rules, every act of theirs muſt be binding upon each individual of the ſtate, and every one who oppoſes theſe is, *ipſo facto*, a rebel to the ſtate, an enemy to the conſtitution of his country, and is juſtly liable to all the penalties that the laws have decreed for that offence.

But as governments are often inſtituted by rude and uncivilized nations, their original inſtitutions have been in many caſes imperfect: The views of the legiſlators have been narrow and confined, and they have not foreſeen, or been able to guard againſt the various inconveniencies to which they, by their original inſtitutions, were ſubjected. The exerciſe of the different offices of the ſtate have been often incongruouſly united,—the boundaries of the juriſdiction of each magiſtrate have been undefined; the original inſtitutions themſelves having never been committed to writing, or duly promulgated by authority, have never been with certainty known by the members of the community; all that they had in their ſtead, is certain traditional rules or immemorial cuſtoms which thoſe in authority have known how to pervert; and, as in theſe caſes, it is almoſt impoſſible for any one to perceive exactly when theſe rules have been tranſgreſſed, the liberties of the people have been gradually infringed, and the ſeveral abſolute monarchies that now appear in Europe have ſprung up in their ſtead,—whoſe princes have all along aimed at confounding together the two ſpecies of laws above-mentioned, ſo as to make the doctrine of *non-reſiſtance*, ſo juſtly applicable to *civil* law, be extended to the *political law*—A cunning piece of policy, which has but too univerſally been attended with ſucceſs.

recting abuſes in that, and what can with ſafety be attempted in a ſovereign ſtate.

To bring the caſes nearer a parallel, it would be neceſſary to ſuppoſe that a very great majority of the members of the mercantile ſociety ſhould conſiſt of minors and others, totally incapable of judging of the nature of the buſineſs in which they were engaged; that no mode of convening a general council had been eſtabliſhed by their rules; that no alteration could be made in the firſt laws of their inſtitution, without the unanimous concurrence of *every individual* concerned in the ſociety; and that, if any innovation was made without this unanimous conſent having been previouſly obtained, the innovator ſhould be liable to all damages that might enſue from thence, and he and his heirs be liable to endleſs proſecutions by every member of the ſociety, againſt whoſe unceaſing attacks the law was able to afford no protection.

Such, it is evident, is nearly the ſtate of every political ſociety under the ſun. The common people, who are the bulk of every ſuch ſociety, may be juſtly compared to minors, in civil affairs. They have been born under, or have voluntarily entered themſelves as members of the community they are in, the inſtitutions of which they at leaſt tacitly approve of. If theſe inſtitutions are to be altered, every individual has a juſt right to have his own opinion followed; and if any one ſhall force him to adopt another that he diſapproves of, that man is but an individual like himſelf, and can have no authority over him, ſo that he may juſtly oppoſe it with his whole power; the ſociety is virtually diſſolved, and he may follow any plan that may appear beſt to him for eſtabliſhing another. Hence it muſt neceſſarily follow, that the ſtate will be rent into deſtructive factions. Recourſe can be had to no law but that of the ſtrongeſt. The weak will ſubmit only 'till they recover ſtrength to renew hoſtilities, and endleſs war and bloodſhed muſt be the conſequence.—The hiſtory of our forefathers affords us too many examples of the juſtneſs of theſe obſervations.

Happily Great Britain is an exception to this general rule: for although, like other barbarous nations, her firſt inſtitutions were imperfect, in conſequence of which innumerable conteſts have ariſen, and much blood has been ſpilt in endeavouring to ſettle the undefined privileges of the ſeveral ruling powers; yet theſe very conteſts, although extremely pernicious to the nation at the time in their immediate effects, by preſerving the ſpirit of liberty in the people, which, although ſuppreſſed at times, was never totally annihilated,—have prevented us from ever allowing theſe two ſyſtems of laws from being confounded with one another, and enabled us, with a becoming ſpirit, to reſiſt the attempts that have at different times been made to cauſe the people tamely crouch to the rod of power.

It would be a long, though not a diſagreeable taſk to trace the various ſteps by which our conſtitution has gradually emerged from darkneſs, and been at length matured into that perfect and well-proportioned ſyſtem of which it now conſiſts; but it is foreign from my preſent purpoſe. It is enough for me here to obſerve, that the political law of Great Britain was finally ſettled, as to all the diſputable particulars of it, at the revolution, and the bill of rights having aſcertained and declared what that law is, every member of the community has it in his power to be as fully inſtructed as to it, as any other law whatever; ſo that all room for diſputing about it is at an end, and every man is able to judge with the utmoſt preciſion of the legality of every ſtep taken by any of the ruling powers of the land, if he is at the trouble of examining them with an ordinary degree of attention—An advantage that no other nation did ever heretofore enjoy in ſuch an eminent degree, which is attended with conſequences the moſt ſalutary to the ſtate.

But it is not enough that the law ſhould be known: it is likewiſe neceſſary that means ſhould be adopted for enforcing that law, or for preventing the tranſgreſſion of it as much as poſſible in the *ordinary courſe of buſineſs*; for the experience of all nations ſufficiently ſhows, that if the ruling powers have no other check upon them but the reſiſtance of the people to their unjuſt decrees, the end of that nation is at hand. No wiſe man, therefore,—no man who has the real liberties of his country at heart, would ever wiſh to promote that ſpirit of turbulence among the people. If the conſtitution is ſo crazy as to admit of no other means of ſaving it on *ordinary occaſions*, it is not worth while to be at the trouble of attempting it.—Inevitable ruin muſt in any caſe enſue.

This, however, is far from being the caſe with the Britiſh conſtitution. Like every ſublunary thing, it has, no doubt, its defects. The members of the ſtate are, like thoſe of other ſtates, liable to be corrupted—to be ſwayed by paſſions and prejudices on many occaſions; to be wicked and fooliſh; but the different orders of the ſtate are ſo juſtly poiſed—the intereſts, the paſſions, the very vices as well as the virtues of each, are ſo properly oppoſed to one another, that they in a great meaſure countervail the miſchievous effects that might naturally be expected to ariſe from theſe. It has been ſaid, that *the folly of man worketh not the righteouſneſs of God*: perhaps this could hardly be better exemplified than in the Britiſh conſtitution, as the moſt ſordid vices to which the human heart is liable are, by a judicious arrangement of circumſtances, rendered ſubſervient to the moſt beneficial purpoſes, and form, perhaps, the ſtrongeſt barrier that could be invented againſt the baneful influence of theſe very vices.

At firſt ſight it would ſeem, that as the ſovereign of Great Britain can do nothing without the advice of his council, which is uſually compoſed of men of the greateſt abilities, integrity, and extenſive property, indiſcriminately choſen from among all ranks of eminence in the kingdom, whoſe deſcendants muſt be involved in the general miſery that would be produced by any improper meaſure adopted by the crown, and who are, beſides, liable to be impeached, and anſwer with their lives the conſequences of any improper advice they may have given,—that the ſupreme legiſlative council, although in its corporate capacity (if you will permit that phraſe) it is unlimited in its authority, yet as every member of it, as an individual, is ſubjected to its decrees, and as, moreover, all thoſe who conſtitute the lower houſe of parliament, after a few years loſe their rank of ſenators, and become private citizens again, there would be little danger that any improper law would be enacted, or any

undue exertion of authority permitted, when thoſe who were obliged to concur in it have ſuch powerful reaſons to prevent them.

But the ſenſe of immediate advantages ſometimes ſo far predominates above the fear of future inconveniencies, that there is danger, on many occaſions, that all theſe powerful ties might be broke through, were they not counterbalanced by other more touching conſiderations.

The remote conſequences of laws are ſometimes ſo different from their apparent tendency at firſt, and artful men know ſo well how to cover the moſt inſidious deſigns by plauſible pretexts, that were there not provided a never-failing guard, ſtimulated by the moſt powerful motives to exert their genius to the utmoſt—to ſift every motive of action in the miniſters of the crown with the moſt unceaſing aſſiduity, and to expoſe every fraudulent deſign to the view of the public, painted in all its moſt frightful colours,—there is no doubt but our liberties might be undermined before we were aware of it, and we might only feel that we ought to reſiſt, when we were already deprived of the means of availing ourſelves of that reſiſtance.

Such a phalanx we have at all times in readineſs in that illuſtrious band of patriots in parliament, diſtinguiſhed by the name of the *minority;* a ſet of men who can never diſappear ſo long as avarice and ambition ſhall retain dominion over the human mind: For as the emoluments of offices of truſt are great, and as the exerciſe of power is very univerſally agreeable, thoſe who are not in office, but ardently wiſh to be ſo, knowing that it is impoſſible to be employed while others hold the places they want, and knowing alſo that no method is ſo likely to ſucceed in turning them out as by ſhowing the nation that they have been guilty of malverſation, or abuſe of power.—Every nerve is exerted to diſcover theſe: every unguarded word or action is greedily laid hold of, every ſore is probbed to the bottom, and nothing is allowed to eſcape that can have the moſt diſtant tendency to hurt the nation.

Thus is the ſordid paſſion of avarice employed as the moſt powerful bulwark of the ſtate, and an inordinate deſire of dominion becomes the ſafeſt guard againſt the encroachments of arbitrary power.

Nothing can be attended with more beneficial conſequences to the nation, than this perpetual ſtruggle for power among the higher orders of the ſtate. Thoſe intruſted with authority are by this means obliged to exerciſe it with lenity and circumſpection; and although it always cannot be ſaid that they who oppoſe them are in the right, or that the arguments they employ are not fallacious, yet it becomes ſo much the intereſt of both parties to have their own cauſe ably defended, that each encourages his own partizans to ſpeak and write with freedom. It is to this circumſtance we owe that unreſtrained liberty of the preſs, as well as private debate, which ſo eſſentially diſtinguiſhes Great Britain from every other nation, and which is the moſt powerful preſervative of our other rights and privileges that could ever be invented: for, although party-writers on either ſide ſtrive perhaps to miſrepreſent the truth, yet men of ſound ſenſe and integrity will always ariſe who will weigh the arguments of each with care, winnow the grain from the chaff, and point out to the impartial part of the nation what is the real tendency of every meaſure that becomes the object of public attention. The uninfluenced part of the national council are thus fully inſtructed in what it concerns them to know, who, by throwing their own weight into the ſcale of juſtice, are able to make it preponderate againſt the moſt powerful attempts of thoſe who may wiſh to oppoſe it *.

By theſe means the conſtitutional powers of the rulers in Great Britain are better aſcertained, and more carefully preſerved

* In conſequence of this univerſal liberty of the preſs, and freedom of debate, the miniſter who holds the reins of government is under an abſolute neceſſity of being in ſome meaſure agreeable to the principal part of the nation; for although we ſhould even ſuppoſe that he could corrupt the whole members of parliament, ſo as to induce them to paſs any laws that he might incline, his difficulties do not end there. The parliament indeed *vote* the ſupplies for government, and appoint funds on which they may be raiſed; but, as miniſters have been in the invariable practice of anticipating theſe ſupplies, they have thus thrown themſelves in a great meaſure on the mercy of the ſociety at large for the *raiſing* them. If the general ſenſe of the nation, therefore, is averſe to the miniſter, the public buſineſs muſt ſtand ſtill in ſpite of the king and parliament; and there are not wanting ſe-

from violation than in any other ſtate, antient or modern; the iniquitous laws that might be paſſed by ignorant legiſlators more carefully guarded againſt than in any other nation, and a more eaſy and ſafe channel for the redreſs of any grievances that may incidentally depreſs any of the lieges, is opened, than in any other kingdom under the ſun; ſo that we are under leſs temptations to have recourſe to violent means of preſerving our conſtitutional privileges, than any other free people ever were, and conſequently have a greater chance of preſerving our political freedom inviolate for many ages, if we have judgment prudently to avail ourſelves of theſe privileges, and diſcreetly to enjoy that freedom we now poſſeſs.

By carefully attending to what has been already ſaid, it will appear that when Urbanus aſſerts, "that every the 'minuteſt component part of the ſtate 'in general, ſhall be free from every aſ'ſeſſment, and ſecure in the poſſeſſion 'of every part of property, except by '*conſtitutional authority*," the poſition is general, and juſt; but when he immediately adds this explanation of *conſtitutional authority*, "that is (ſays he), a *di*'*rect* or *effective* repreſentation in parliament," he reduces the general rule to a particular one, which he holds up as the ſtandard of juſtice, and thus renders his firſt poſition equivocal.

For nothing can be more certain than that the *conſtitutional authority*, in many countries, is not veſted in the repreſentatives of the *minuteſt component parts* of the ſtate; yet there can be no doubt that the conſtitutional laws of theſe ſtates are binding upon all its ſubjects. I have even demonſtrated, I hope in a ſatisfactory manner, that this is actually the caſe with Great Britain; ſo that the inference he draws from the original juſt poſition, is directly contrary to juſtice.

It is in this manner mankind are often impoſed upon by ſeemingly juſt reaſoning. This is an art that has been well underſtood by *Sophiſts* in all ages of the world. I do not, however, mean to brand your correſpondent with this opprobrious epithet; for I am convinced, he himſelf was impoſed on by this ſpecious reaſoning before he endeavoured to perſuade others to acquieſce in it.

I ſhall take this opportunity of pointing out another circumſtance that has often become a ſource of error in this, and other diſputes of the ſame nature: viz. Improperly quoting the opinions of learned men who have exerciſed their genius in diſquiſitions relating to *government*. Theſe authors, in their efforts to diſcover what would be the moſt perfect form of government that could be invented, have adopted various hypotheſes—have hazarded their conjectures with freedom, and have laid down ſuch poſitions as to them appeared moſt likely to effect the particular purpoſe they had chiefly in view. Now, the practice of party-diſputants in modern times is, to ſelect ſuch of theſe *hypothetical* poſitions aſſumed by theſe learned men as ſeemed moſt to favour the views of their

veral inſtances of miniſters having been obliged to *reſign* merely on this account.

There are inſtances, likewiſe, of *very recent date*, of miniſters who have been fully ſenſible of the importance of this principle—who have courted popularity at the expence of every valuable conſideration to the ſtate—who have paſſed iniquitous laws, calculated merely to enrich monied individuals, to induce them to contribute largely for raiſing thoſe immeaſurable ſupplies that were evidently calculated to ruin the nation—who enriched a few, to the general impoveriſhment of the ſtate, and who amuſed the mob by a vain diſplay of uſeleſs laurels, that, like the gaudy trappings of the victims of old deſtined for ſacrifices, only ſhowed that they were marked out for certain deſtruction, had they not been reſcued from his hands.

There are alſo a few inſtances of miniſters who, after having raiſed the indignation of the nation againſt thoſe in power for purſuing meaſures deſtructive to the ſtate, have had the addreſs to conciliate the good will of the people to theſe very meaſures after they were in power; but it muſt be owned, that inſtances of this amazing popular ſway are but rare, and it is to be hoped the natural good ſenſe of the nation will be able to prevent them from becoming common. As the effects of a temporary dominion of this ſort muſt be long and ſeverely felt by the whole nation, it ought therefore to be guarded againſt with care. This is perhaps the moſt dangerous political diſorder to which our conſtitution is naturally expoſed: it is only to be dreaded when a feeble and hopeleſs *minority* in parliament, overawed by the dazzling talents of a miniſter, are afraid to encounter him boldly on all occaſions. When this ever happens to be the caſe, every good member of the ſtate ought to be upon his guard. Theſe are times of danger, and no man ought to truſt his ſafety to the vigilance of another.

own party, and to quote them as *undoubted axioms*, applicable to all forms of government, which we are to refer to as invariable ſtandards by which we may with certainty judge of the legality of any meaſures that may be adopted with regard to our own country.

It is hardly poſſible to invent a mode of reaſoning more dangerous than this is; becauſe, under the ſpecious appearance of impartiality, by appealing to worthy men long ſince dead, who could not be influenced by thoſe motives that may actuate ourſelves, we withdraw ourſelves, as it were, from the diſpute, and leave theſe impartial friends of humanity to ſpeak in our ſtead; but, by applying theſe paſſages to caſes altogether different from what the original authors had in view, we make them *abet* doctrines utterly inconſiſtent, in many caſes, with the views of theſe writers.

An inſtance of this ſort occurs in the paper of Urbanus juſt now before me, who quotes this paſſage from Monteſquieu [Mag. xxxi. 387.]: "In a free ſtate, every man is ſuppoſed a free agent, and ought to be his own governor: *the legiſlative power, therefore, ought to reſide in the whole body of the people*; but ſince this is impoſſible in large ſtates, and in ſmall ones is ſubject to many inconveniencies, *it is fit the people ſhould execute by their repreſentatives what they cannot execute by themſelves*;" upon which opinion, as a baſis, Urbanus infers that every man who is not repreſented in the legiſlative council of the nation, has a juſt right to oppoſe every law that may be enacted by the ſupreme legiſlative council of the kingdom in which he may reſide.

To reaſon in this manner, however, would be giving an authority to the ideal conjectures of theſe philoſophers greater than was ever claimed by any power on earth,—greater than even the ſovereign pontiff of Rome himſelf, when in the higheſt plenitude of power, ever arrogated to himſelf, as it would ſuppoſe that the ſubjects of every dominion under heaven ſhould be freed from their oaths of allegiance, and every tie of government be totally diſſolved, whenever the principles of that government were not conſiſtent with the ideal perfection that they had deſcribed.

Nothing, however, could be farther from the ſpirit of Monteſquieu than ſuch a doctrine. Too knowing to think himſelf infallible, he reaſoned with freedom, and often reaſoned juſtly; but, like others, he has ſometimes fallen into error. He gives his opinion without reſerve, but propoſes it as a law to none. Let us follow him where reaſon directs; but we would be the unworthy pupils of ſuch a preceptor, if we did not differ from him when he falls into an error. In the paſſage already quoted, it is pretty plain that he has fallen into a miſtake*; but if he had been perfectly right, it is ſufficiently obvious that nothing could be farther from his intention than the inference drawn from this doctrine. No ſtranger to the infinite delicacy of the circumſtances that may tend to promote the happineſs or miſery of political ſocieties, and fully appriſed of the riſk that mankind run of loſing all their privileges by any innovation of government, he ſeems to have been anxiouſly ſolicitous to prevent poſſibility of miſtaking him in this particular, as he concludes his examination of the Britiſh conſtitution in theſe words, evidently thrown in as a caveat againſt it.

"Neither do I," ſays he, "pretend by this to undervalue other governments, nor to ſay that this *extreme political liberty* ought to give uneaſineſs to thoſe who have only a moderate ſhare of it. How ſhould I have any ſuch deſign? I who think that even exceſs of reaſon is not always diſcernible, and that mankind generally find their account better in mediums than in extremes.

"*Harrington*," continues he, "in his *Oceana*, has *alſo* inquired into the higheſt point of liberty to which the conſtitution of a ſtate may be carried: But of him indeed it may be ſaid, that, for want of knowing the nature of real liberty, he buſied himſelf in purſuit of an imaginary one, and that he built a Chalcedon, tho' he had a Byzantium before his eyes."

This cenſure may be applied to many

* Like Ariſtotle, who of old formed precepts for an Epic poem from the example of Homer, Monteſquieu is here tracing a perfect conſtitution of a ſtate, from what he imagined the Britiſh conſtitution actually was. "It is not (ſays he) my buſineſs to inquire whether the Engliſh actually enjoy this liberty or not; it is ſufficient for my purpoſe to obſerve, that it is eſtabliſhed by their laws, and I inquire no further." How far the foregoing paſſage is conſiſtent with the Britiſh conſtitution, will appear by a careful peruſal of what has been already ſaid on that ſubject.

more writers than Harrington. Let us not, therefore, be blinded by a ſubmiſſion to authorities, or miſled by partial ſcraps culled from different authors, to purſue a phantom of imagination, while we loſe ſight of the real good we poſſeſs. Let us be at pains to preſerve thoſe eſſential bleſſings we indeed enjoy, and not turn off our attention from that main point, to matters of infinitely ſmaller moment.

Since, then, whatever is *lawful* muſt be deemed *juſt* in a political ſociety, and ſince every thing is lawful that is conſiſtent with the decrees of the ſupreme legiſlative council of the nation, when enacted in conformity to the laws preſcribed by the conſtitution of the ſtate, before we can determine whether the oppoſition made by the Americans to the obnoxious ſtatutes is juſt in itſelf, or an illegal and rebellious inſurrection, it remains that we ſhould inquire whether or not theſe obnoxious ſtatutes were legally enacted, in conformity to the original and acknowledged rules of the conſtitution of Great Britain. In purſuing this diſquiſition, I ſhall firſt be neceſſarily obliged to inquire into the nature of colonies and colonization.

[Since the above was written, I have read Urbanus's fourth letter, (Mag. xxxii. 107.) which is nearly on the ſame ſubject as above;—but I ſee no reaſon to alter any thing that has been written above, for what he has ſaid—I mean not to adopt any thing of the declamatory ſtile,—I wiſh not to influence a ſingle perſon but by the ſober principles of ſound reaſon. Unconnected as I am with every party, and deſirous only of diſcovering what is juſt and fit for all perſons concerned in this diſpute, my aim is ſolely to inquire with deliberate coolneſs into the merits of the cauſe. Concerned for the liberties of the Americans, on the preſervation of which the ſafety of Great Britain muſt in a great meaſure depend, I would wiſh, if poſſible, to ſave thoſe from deſtruction who may be miſled by precipitate councils, which will moſt effectually be done by throwing as much weight as poſſible into the ſcale of *juſtice*, that it may preponderate at once, and not remain long vibrating in uncertainty. The Americans may have many more able advocates than I am, but few who have their real intereſt more at heart.]

Of Colonies, and Colonization.

THE word *Colonies*, like almoſt every other word, has, at different times, admitted of different meanings.

Among the antients it uſually denoted a community eſtabliſhed in any particular diſtrict, which had come from ſome other diſtrict, forming a ſociety totally independent of that ſtate from which they originally migrated. Like a hive of bees, they left their parents, never more to return, or have any further dependence upon them. In this manner Carthage was a colony of Tyre, although at all times totally independent of that ſtate.

Among the moderns it more uſually denotes a new ſettlement, formed in ſome deſart or thinly peopled country, under the immediate protection and dominion of ſome powerful ſtate, which gives to its ſettlements of this kind ſuch laws as it ſees moſt conducive to its own ſafety and emolument.

It is not even neceſſary that the perſons who occupy theſe colonies ſhould have been originally ſubjects of the parent ſtate: if they were ſtrangers, they become adopted children, intitled to all the immunities of natural born ſubjects. Thus the provinces of New-York and the two Jerſeys are accounted Britiſh colonies, although the firſt was originally ſettled by the Dutch, and the latter by the Swedes. Among the antients, theſe provinces would have been always accounted colonies of the parent ſtates from which they migrated, whatever revolutions their government had been ſubjected to.

The word *Colony*, therefore, of old had reſpect to a *natural* relation only; in modern times it reſpects only a *political* connection.

In all ages, and in every country, ſome of the individuals of the ſtate will become diſſatisfied with their ſituation. When this happened of old, and the number of diſcontented perſons was conſiderable, they put themſelves under the conduct of ſome leading perſon, and went in a body to ſeek a ſettlement for themſelves where they could find it.—Their ſword or their money purchaſed a territory for them, and their own force or policy ſupported them in it afterwards.

When theſe diſcontents were leſs ge-

neral, individuals wandered from home, and ſought protection from ſuch charitable neighbours as would receive them. —Thoſe ſtates, therefore, which were more humane than others, received, in this manner, a great addition to the number of their inhabitants. In the mildeſt ſtates, they formed an order of people little above that of ſlaves,—were admitted into no places of truſt, nor had any ſhare in the legiſlature*, although they uſually bore the burden of almoſt all the public taxes.

This, at leaſt, we know was the caſe with Athens, whoſe citizens having been renowned for their gentleneſs of diſpoſitions, attracted numbers of foreigners to place themſelves under their protection. Demetrius Phalereus obſerves, that, in the CXVIth Olympiad, the number of ſtrangers in Attica amounted very nearly to half the number of Athenian citizens †. Theſe ſtrangers were obliged to obſerve all the laws of the republic, and to conform intirely to all its cuſtoms: they put themſelves under the protection of ſome citizen, whoſe favour they obtained by certain duties or ſervices, and were obliged beſides to pay an annual tribute to the ſtate of twelve *drachmas* (about five ſhillings Sterling) *per* head; in default of which payment they were made ſlaves, and publicly expoſed to ſale ‡.

Such was the condition of thoſe who voluntarily migrated from their own country, and placed themſelves under the protection of a foreign ſtate in the moſt refined æra of antiquity. Theſe formed what the moderns might call a colony in the heart of the ſtate,—a ſet of people who voluntarily augmented the number of the inhabitants of the ſtate upon ſuch terms as were proffered to them.

But the antients were not ſufficiently acquainted with the nature of commerce to be able to perceive, in a clear enough manner, the advantages that might be derived from poſſeſſing a great number of induſtrious ſubjects, and therefore were at no pains to increaſe them, by inticing ſtrangers to come among them on favourable terms, nor to prevent their own ſubjects from deſerting them, if ſo they ſhould incline. This was a diſcovery reſerved for modern times, which has produced a very conſiderable change on the political œconomy of modern ſtates, when compared with that which took place of old.

When peace began to be eſtabliſhed in Europe, after the irruptions of thoſe fierce barbarians who introduced the feudal ſyſtem of government into all the conquered Roman provinces, the monarchs finding their power ſo much curtailed by the ariſtocratical authority of the Barons, began to form eſtabliſhments that ſhould in ſome meaſure render them independent of theſe Barons. With this view, ſome of the cleareſt ſighted of theſe princes, inſtead of driving out of the kingdom ſuch of the vaſſals as might become diſcontented with their ſituation under their original lord, provided places of refuge for them in their own ſtates, to which they might on theſe occaſions with ſafety retire, where they might exerciſe with freedom ſuch profeſſions as they were moſt inclined to follow.

To render the inhabitants of theſe aſylums more ſecure in the enjoyment of their property, and to attach them more firmly to continue there, the ſovereign granted to each of thoſe places particular privileges by charter—erecting them into a community—impowering them to chuſe magiſtrates for their own government—and authoriſing them to enact laws within their own juriſdiction, when not inconſiſtent with the laws of the land—to aſſeſs the inhabitants for raiſing funds for the better government of the community—and to exerciſe authority, as far as impowered by their ſeveral charters, over all who ſhould come to reſide within their ſeveral juriſdictions; —always, however, under the controul of the great legiſlative council of the nation, who were the ultimate judges whether the exerciſe of theſe privileges would be prejudicial to the ſtate or not, and who might repeal any of theſe charters whenever they ſhould ſee juſt cauſe to do ſo.

Theſe were the firſt dawnings of that ſpecies of political knowledge that has ſince attained to ſuch perfection in all the civilized countries of Europe, under the modern name of *Colonization*.

* At Athens it was death by the law for a ſtranger to be found in the aſſembly of the people.

† Citizens 21,000, ſtrangers 10,000.

‡ The ſtory of Xenocrates the philoſopher is well known, who was about to be ſold for a ſlave on this account, when he was relieved by Lycurgus, who paid the tax for him.

At firſt theſe communities were ſmall, and chiefly intended for the ſubjects of the ſtate where they were formed, being denominated *Burghs:* but as it was found that manufactures and commerce flouriſhed much in theſe communities, and as the princes derived many advantages from them, they were more and more encouraged and protected. Wiſe princes invited foreigners to their kingdoms, and gave them the ſame protection that their native ſubjects enjoyed; commerce, riches, and independence began to appear in the land. The great nobles loſt of their influence as theſe communities acquired power, and the nation began to perceive the benefits that might accrue to it from poſſeſſing a great number of induſtrious ſubjects, and therefore endeavoured to obtain as great a number of theſe as poſſible.

As civilization increaſed in Europe, theſe ideas became more and more univerſally eſtabliſhed. Every country became, in ſome meaſure, a manufacturer for itſelf. The trade which had formerly enriched the moſt induſtrious of theſe, was in danger of being loſt; and as it was now in general known, that the real riches of a ſtate conſiſted in the number and vigour of its labouring ſubjects, which could only be augmented by providing means for their comfortable ſubſiſtence, and that this could only be effected by augmenting their manufactures and commerce, it became the ſtudy of political improvers to diſcover new means of augmenting theſe by every poſſible device. Treaties of commerce, for theſe reaſons, became common among the different monarchs of Europe, and wars were more uſually begun for the extenſion of trade than for conqueſt or enlarged dominion.

When the minds of men were thus buſily employed in deviſing means of extending their commerce as much as poſſible, and of increaſing the number of their people at home in the higheſt degree, they beheld, with the moſt jealous anxiety, every addition that was made to the number of their enemies. And as the diſſipation that luxury neceſſarily introduces reduced many individuals from affluence to indigence; and, as in theſe circumſtances a change of place became deſirable, it was obſerved that theſe, and others who, from other cauſes, became diſguſted with their ſituation, would not be detained at home, and if ſuffered to migrate to any neighbouring ſtate, would augment the number of their ſubjects in proportion as it diminiſhed that of their own, to the manifeſt prejudice of the ſtate.

To obviate this inconvenience, a happy expedient was adopted. The benefits that had accrued to the nation from the erection of thoſe incorporated communities *within* the ſtate, ſuggeſted an idea that, by the aid of ſimilar inſtitutions formed in diſtant regions, in territories belonging to the community, and under its immediate protection, a ready aſylum would be thus provided, not only for the diſcontented ſubjects of the ſtate itſelf, but alſo to thoſe of neighbouring nations, who, by mild and equitable inſtitutions, might be allured to ſettle there, and thus augment, inſtead of diminiſhing, the number of their own ſubjects.

It was likewiſe eaſily foreſeen, that if theſe ſettlements ſhould be made in climates conſiderably different from the parent ſtate, their natural products would be different from its own, and thus furniſh to it thoſe articles it moſt needed, and, in exchange, would take off her own manufactures, and thus afford employment for her induſtrious ſubjects at home, extend her trade, and augment the internal ſtrength and vigour of the ſtate in a high degree.

Such was the riſe and progreſs of our ideas on this ſubject, and ſuch have been the genuine principles of colonization in modern times. This being the caſe, it is equally abſurd in the mother-country to boaſt of principles of generoſity and paternal affection to theſe colonies, as it is in theſe laſt to talk of a ſenſe of filial duty and reverential obedience. There can be no doubt but a deſire to render theſe colonies of uſe to the parent ſtate, was the only motive that induced her to ſettle and protect them at all times, and there can be as little doubt that the deſire of enjoying advantages in theſe diſtant regions, greater than they could reap at home, was the ſole motive that induced adventurers to go thither. The mother, who found that her own prodigal children could not be kept from roaming abroad, was deſirous of ſtill rendering them uſeful to herſelf, and with that view provided for them a ſettlement, under her own dominion, to which thoſe who were pleaſed with the conditions on which it was offered might re-

ire, when the diſagreeableneſs of their ituation at home ſhould make that ap- ear to them eligible.

To give ſtability to theſe diſtant ſet- lements, the inhabitants who ſhould ake up their abode within certain limits were erected into ſeparate communities by a charter from the crown, by which they were empowered to chuſe certain magiſtrates for themſelves, who, in concurrence with others nominated by the crown, were authoriſed to enact laws for their own community—to levy taxes for the purpoſe of their own internal government, and to exerciſe other ſubordinate exertions of authority, as particularly ſpecified by their ſeveral charters, all of theſe communities being ſtill under the immediate protection, and ſubjected to the controuling power of the ſupreme legiſlative council of the ſtate.

On theſe expreſs conditions, the nation admitted foreigners, as well as her own native ſubjects, to become members of theſe communities:—Such as choſe to forego the advantages they poſſeſſed as ſubjects in another part of the empire, and to accept of the conditions that were freely offered to thoſe that ſhould ſettle there, were at liberty to do it if they ſhould ſo incline:—Such ſubjects of foreign ſtates as preferred the conditions held out to them, when they ſhould become members of that community, to what they enjoyed at home, were received into it when they offered;—but neither the one nor the other were in any wiſe compelled to accept of it. So ſoon, however, as they became members of that ſociety, they were alike intitled to the advantages that reſulted to them as members of it, and ſubjected to the inconveniencies that might ariſe to them as ſuch, and had no juſt title to complain of theſe, however great they might be. If theſe are hard, they are equally free to depart to their old places of abode, or to remain; but there cannot be the moſt diſtant plea, *in juſtice*, of extorting other conditions from the parent ſtate than ſhe ſees fit to grant of her own free will.

Such is the nature of our colonies, and ſuch the true principles of colonization in modern times, when diveſted of every ſort of diſguiſe that may be employed to miſlead the judgment. Whatever territories belong to the ſtate, the ſupreme legiſlative council muſt have a power of aſſigning to others upon what terms, and under what form of government, it may think meet, and muſt at all times have a power to alter ſuch laws as may be found to be prejudicial to the ſtate.

It appears by the above inveſtigation, that there is no real difference between the nature of a colony government, and that of the government of a city under its own magiſtrates.

Each of them are inveſted with powers for regulating their own internal affairs; the nature of which powers are aſcertained by their ſeveral charters: each of them contribute among themſelves for their own municipal expence; each of them owe their political exiſtence to a voluntary gift of the parent ſtate; each of them are protected by that parent ſtate from the encroachments of every other power,—and each of them, as real ſubjects of the empire, are bound to contribute its juſt proportion to the expences of the ſtate, in ſuch manner as the ſupreme legiſlative power ſhall ſee fit.

There can ariſe no difference between them from a difference in poſition. The territories of the empire, when they once belong to it, are as much under the juriſdiction of the ruling powers, if at a thouſand leagues diſtant, as if at the very gates of the houſe of aſſembly. Whenever this ceaſes to be the caſe, that particular diſtrict is no longer a part of the empire;—and if it has once been a part of the ſtate, it can never ceaſe to be ſo, but by unjuſt uſurpation, or a voluntary ceſſion,—which might as well be the caſe with a town in the heart of the dominions, as of the moſt diſtant province.

There can ariſe no difference between them from a difference in the magnitude of the two objects: *juſtice* views with the ſame impartiality the humble plaints of a helpleſs individual, as the arrogant claims of millions. If the weakeſt community in a ſtate is bound to adhere to the laws, the ſtrongeſt and moſt numerous is equally bound to adhere to the ſame.

It is not however to be doubted but a difference in point of diſtance from the ſeat of government, may make it *expedient* for one community to be governed by different rules from another that may be nearer. The expediency of theſe meaſures may be pointed out, and enforced by every ſpecies of arguments in a free ſtate; but ſtill it remains, that the

ſupreme legiſlative power alone muſt judge of the expediency of theſe meaſures,—for if any other was to determine this, it would be erecting two ſupreme legiſlative powers in the ſtate, which is a manifeſt abſurdity.

A numerous and powerful ſociety may require to be governed in a different manner from a trifling community, but the rules for eſtabliſhing that government can originate no where but with the ſupreme legiſlative council of the ſtate.

The colonies, therefore, cannot with the ſmalleſt ſhew of juſtice claim any other immunities than thoſe that are clearly granted by their charters; if they demand more, they endeavour to overturn the conſtitution of the ſtate.

I have ſaid the coloniſts cannot, with the leaſt ſhew of reaſon, demand, as their right, any privileges that are not clearly granted by their charters; but if theſe very charters had been infringed, they might feel it as a hardſhip, and, with ſome appearance of reaſon, *complain* of it as ſuch, although it is evident they would not even in that caſe have a legal plea for reſiſtance; for theſe charters, if granted by the crown, are granted only by one of the members of the legiſlature, who has no power to do any thing to the prejudice of the ſtate. Of this the ſupreme legiſlative council are the only competent judges; and although it ought to be only on extraordinary emergencies that they ſhould have recourſe to ſuch violent means of correcting errors, as revoking charters would be, yet they are undoubtedly veſted by the conſtitution with full powers to do ſo when they ſhall ſee ſufficient cauſe for it.

Even if theſe charters had obtained the ſanction of parliament, it would not alter the caſe; for the parliament itſelf can do nothing that ſhall be evidently hurtful to the ſtate, nor can they render the power of their ſucceſſors leſs than their own. Their judgments may have been miſled. It is fit, therefore, they ſhould at all times have a power to reverſe their own decrees, that thus the evils that may ariſe from ignorance or partiality, may be corrected as ſoon as they are perceived.

Nor was there, I believe, ever entertained a doubt of the ſupreme power of the king and parliament in this reſpect, till the preſent moment; and the annals of Great Britain furniſh abundant proofs of the exerciſe of this power: for, numerous are the inſtances of towns being diſfranchiſed when they have committed ſuch treſpaſſes againſt the community, as in the eye of the legiſlature made ſuch ſevere puniſhments neceſſary. Within the memory of many men now living, the capital of Scotland, from an accidental and unparalleled treſpaſs committed by a maſked band, without the privity of the magiſtrates, ran the greateſt riſk of having its charter forfeited. The treſpaſs in the eye of unprejudiced reaſon, as it was evidently not in the power of the magiſtrates to prevent it, did not merit ſuch ſevere chaſtiſement, and the more moderate party prevailed: the deſign was laid aſide, not from any doubt of the *legality* of the deed, but merely from a conviction of its *inexpediency*.

But although it muſt appear obvious, that even charters themſelves could be no legal barrier to the decrees of the ſupreme legiſlature of the ſtate, if they ſhould ſee it neceſſary, yet it will not be contended, that, in the preſent conteſt, this has been attempted. Some of the confederated colonies have charters expreſsly binding them to pay ſuch taxes as ſhall be impoſed on them by the Britiſh parliament at all times: others have a power to enact bye-laws for their own civil government, in all caſes where theſe *are not* inconſiſtent *with the laws of Great Britain*. This is the higheſt exemption that any of the colonies can poſſibly claim; and to what does it amount? Merely to this, That the petty legiſlators of theſe communities ſhall be authoriſed to deliberate with freedom, and to enact ſuch laws as ſhall ſeem beſt to them, in all ſuch caſes as the legiſlators of Great Britain have not thought proper to take cognizance of; but in all caſes where Britain ſhall have thought proper to enact laws binding on the colonies, they are, by this clauſe, expreſsly prohibited from intermeddling in any ſort.

I am ſufficiently aware, that the partiſans for America will contend that this is a forced and unnatural conſtruction of the meaning of the paſſage: but let it be examined with ever ſo much critical ſagacity, I ſhall be ſurpriſed if it can be made to bear any other meaning.

It muſt be obſerved, that at the time theſe charters were granted, there

was perhaps no law of Great Britain relating to the colonies, nor could it be foreſeen what laws might be neceſſary to make with regard to them. In theſe circumſtances, if it has any meaning at all, it muſt be underſtood as a declaration that the laws of Great Britain, whenever any ſhould be enacted with regard to the colonies, ſhould be ſupreme and binding upon them, as well as every other part of the dominions of the ſtate.

And that it was ſo underſtood by both the colonies and mother-country, appears by the ſubſequent behaviour of all parties: Britain at all times made ſuch laws as ſhe law fit for the colonies, who, without heſitation, ſubmitted to them as in duty bound, until power introduced a ſpirit of independence among them. The Americans themſelves even now confeſs this, by acknowledging that all the acts of the parliament of Britain, relating to the regulation of their commerce, are binding upon them. Theſe acts were made at a time when all parties had a due ſenſe of their juſt rights, and were ſubmitted to as an exertion of that ſupreme controuling power reſerved to the mother-country by their charters. We hear now of a diſtinction between theſe laws and others; but no foundation for that diſtinction is found in their charters themſelves. If the Britiſh laws relative to navigation are binding on the colonies, why are not the Britiſh laws relating to other articles equally binding? I defy any one to produce an argument in favour of the firſt, either from the charters, or any other claim, that is not equally valid for the other.

Had the paſſage in the charter, ſo often mentioned by the favourers of America, been intended to exeem the coloniſts from ſubmitting to any laws that were not agreeable to themſelves (which is the meaning they now wiſh to make it bear), inſtead of declaring that the legiſlators of the colonies ſhould be impowered to enact laws that ſhould be binding within their own juriſdiction in all caſes, *except when inconſiſtent with the laws of Great Britain*, it ought to have declared, that all laws of Great Britain, relating to theſe colonies, ſhould be valid in them, *in as far as they were not inconſiſtent with the laws of each particular colony*.—The meaning would have been then diſtinct and clear, and would have ſhewed, that although Britain made the colonies ſupreme and independent ſtates, yet it was meant they ſhould keep up a friendly intercourſe with one another, as long as it ſhould prove advantageous or agreeable to the coloniſts, and would have prevented the abſurdity of ſuppoſing that a ſovereign independent ſtate ſhould be under the dominion of another ſovereign independent ſtate—A ſoleciſm in politics, which was reſerved for the wiſe philoſophers of the eighteenth century firſt to adopt in a ſerious manner.

I have been at more pains in clearing up this argument than its own inſignificance would ſeem to authoriſe: but as it has been held up to the ignorant as the great palladium of American liberty, it becomes neceſſary ſeriouſly in theſe caſes to refute abſurdities themſelves. The ignorant are apt to judge of the force of an argument by their opinion of the talents of thoſe who ſeem to adopt it. This is the only proper apology that can be offered to the unprejudiced for dwelling ſo long upon it.

I have hitherto confined myſelf to conſider merely the *legality* of the meaſures purſued by Britain,—as this is the only circumſtance that falls to be conſidered, when we attempt to juſtify or condemn thoſe who are at war with the legiſlative and executive powers of the ſtate. The *expediency* or non-expediency of theſe meaſures ought to be diſcuſſed by other means than the ſword,—it therefore falls not here to be diſcuſſed. *Law* is the only bond of union in every ſociety, and by it alone muſt every member of the ſtate be acquitted or condemned when he hath injured another.

The coloniſts are at war with the ſupreme rulers of Great Britain: Are they, or are they not tranſgreſſing the laws of the empire in ſo doing? This is the preciſe ſtate of the queſtion; the anſwer to which muſt either declare them, or the legiſlature at large, *rebels* to the ſtate; for there is, in this caſe, no medium. If the legiſlators have exceeded the powers veſted in them by the conſtitution, then *they* are *rebels* or *tyrants*, which you pleaſe to call them, and ought to be oppoſed by every member of the community; but if they have not exceeded the powers veſted in them by the conſtitution, then we muſt be compelled to acknowledge, that thoſe who oppoſe their decrees are *rebels*, and are juſtly liable to all the penalties that the law has provided for that crime.

But it does not appear that the legiſlature hath, in any one inſtance relating to America, aſſumed powers not fully conferred upon it by the conſtitution; therefore the inſurrection in America is a *rebellion* in the ſtricteſt ſenſe of the word, and ought to be oppoſed by every member of the community.

Here I perceive it will be ſaid by partial reaſoners and ſhort-ſighted politicians, that I plead the cauſe of tyranny, and, afraid of the deciſion of juſtice, of humanity, and what not, I refuſe to ſubmit to their deciſions, and ſhelter myſelf behind the ſubtile barriers of law. It will by and by appear how far this reflection is well-founded; in the mean time, without regarding theſe petulant ſarcaſms, I purſue the road of ſtrict impartiality, without turning to the right hand or to the left for any conſideration whatever. As a member of a political ſociety, as a judge of my fellow-ſubjects, I acknowledge no other rule by which I can determine but *law*; for were I to make any thing elſe a ſtandard for my deciſion, I would depart from my own order in ſociety, and arrogate to myſelf powers with which I am not inveſted. A judge is only the interpreter of the laws, and not the maker of them. Should he, ſwayed by humanity, or influenced by any other paſſion, allow thoſe to eſcape juſtice who might conciliate his favour, he would be no longer a judge, but legiſlator alſo,—as he would aſſume a diſpenſing power, which is rendering the laws of none effect, and muſt be productive of the moſt baneful conſequences to ſociety.

If every ſubject in a ſtate ſhould aſſume to himſelf this diſcretionary power in judging of political matters, we could have no other ſtandard of right and wrong than the opinion of every ſeparate perſon; and as theſe would be conſtantly varying with the intereſts, paſſions, and prejudices of the individuals, nothing but the moſt frightful anarchy would prevail, and the ſecurity that the ſubject enjoys from the protection of the laws, would be totally at an end.

Should the Americans, inſtead of appealing to the known and eſtabliſhed laws of the land, be allowed to apply to any other ſtandard of juſtice that might ſeem beſt to favour their particular views, with equal juſtice might every other member or members of the community apply to any other ſtandard that might ſeem moſt agreeable to them; and if every one ſhould thus be at liberty to conteſt every ſtatute that might be diſagreeable to himſelf, the legiſlative power would be quickly annihilated, and the political ſociety be totally diſſolved.

If, therefore, Great Britain is to continue a political ſociety at all, the *laws* muſt be inforced in every corner of the ſtate. If the conſtitution is to be preſerved, thoſe who infringe its primary ſtatutes, whether king, lords, commons, or people, muſt be oppoſed, and brought to a proper ſenſe of their duty: but, by the conſtitution of this realm, all orders of citizens throughout the whole dominions of the ſtate are bound to obey the decrees of the king and parliament when duly enacted.—The Americans refuſe this obedience, and are therefore enemies to the ſtate.

Let us not flatter ourſelves with the opinion that, by infringing the conſtitutional laws in one inſtance where they may ſeem defective, we will do a ſervice to the ſtate. If this barrier againſt innovations of all ſorts is once removed, under any pretext however ſpecious, there is no doubt but other pretexts will be fallen upon for removing it in other inſtances, till we ſhall be gradually deprived of all. Monteſquieu well obſerves, that, "When the *Gracchi* deprived the Roman ſenators of the power of judging, the ſenate were no longer able to withſtand the people. To favour therefore the *liberty of the ſubject*, they ſtruck at the *liberty of the conſtitution*; but the *former* periſhed with the *latter*." And this muſt ever be the caſe in all countries. *Civil* liberty, or the liberty of the ſubject, can only exiſt where the ſyſtem of *political* liberty is compleat, and bears ſovereign ſway. Thoſe, therefore, who prize the former, muſt be careful to ſee that the latter be not in any caſe infringed.

It is on theſe principles that I am forced to reprobate the conduct of the Americans, and pity the infatuated weakneſs of thoſe who, from principles of falſe generoſity, are led to applaud the efforts which they are making juſt now, not only to deprive their fellow-ſubjects of the benefits that reſult to them from the enjoyment of the beſt political conſtitution that was ever formed, but to deprive themſelves alſo of the many advantages they enjoy from its influence,

which they would moſt effectually do ſhould their own wild attempts be crowned with ſucceſs.

I ſee theſe inconſiderate men like a parcel of children who have got poſſeſſion of a jewel of ineſtimable value, which to them appears only as a gaudy gewgaw. It is toſſed about with the utmoſt freedom and careleſs unconcern. They are not aware, that if it ſhould ſlip through their fingers and be daſhed upon the ground, it might be broke into ten thouſand pieces of little value when detached, which no art could ever reunite.—The treaſure would then be loſt, never more to be found among mankind.

Let us reſcue it from their hands, and guard it as the apple of our eye. It is a treaſure which, if preſerved undiminiſhed, will enrich ages yet unborn; but if it is in the leaſt degree impaired, it will gradually vaniſh away, and leave our deſcendants poor, diſpirited, naked, and forlorn, the ſport of every neighbouring ſtate, whoſe pity will be mixed with deriſion and contempt for our unparallelled folly.

Hitherto I have proceeded without reluctance, becauſe, in developing the principles of our conſtitution, I have not been obliged to load any perſon with blame. It is neceſſary I ſhould go forward, not only to anſwer ſeverally the different accuſations lodged by Urbanus againſt the rulers of the ſtate, and to examine into the *expediency* of thoſe meaſures that have been purſued with regard to the Americans, but alſo to develope the *real* cauſes of this conteſt, and to point out the natural tendency to which it leads, ſhould they prove ſucceſsful. But here the taſk becomes extremely diſagreeable. It is irkſome to me to find fault; even approbation where it may be due is far from producing pleaſure unmixed. The humane ſurgeon loves not to handle the knife; but humanity itſelf ſometimes obliges him to uſe it. A lover of freedom is loth to diſcommend whatever has the *appearance* of promoting that cauſe: An enemy to tyranny would fain wiſh to keep the rod from the hand of power as long as poſſible; but when it becomes neceſſary for him to act, with the ſteady fortitude of rational humanity, he will go forward unmoved: although his heart may bleed at every wound he inflicts, his hand will be ſteady in its office. If our conſtitution muſt fall, it were far more glorious to be buried in its ruins than to ſurvive the diſmal cataſtrophe.

With theſe ſentiments I proceed, equally diſdaining the falſe imputation of partiality, and deſpiſing the ſophiſtical arts of calumny and rhetorical deception. Let thoſe who feel the weakneſs of their arguments adopt the aid of abuſe. The man whoſe heart is upright, and underſtanding clear, will be calm and unmoved amidſt the ſtorms of clamour that may be raiſed to perplex him.

HAVING, in the former parts of this eſſay, examined the claims of Great Britain over the colonies in point of *law*, I now proceed to make a few obſervations on that ſubject in point of *equity* and *common ſenſe*.

It is allowed on all hands that the territories poſſeſſed by the Americans belong to the crown of Great Britain; and that all theſe inhabitants hold their poſſeſſions of that crown, and are virtually and effectually *ſubjects* of this realm.

They have all along been protected by this ſtate—their agriculture has been promoted by premiums—their commerce encouraged by particular indulgences, and themſelves cheriſhed by every degree of tenderneſs that ſubjects in any part of the Britiſh dominions could poſſibly have expected.

Every inhabitant there, of whatever country he may have been, or whatever religion he may profeſs, is a free denizen of this country—can be elected into places of truſt, and enjoys every other privilege of a native-born Britiſh ſubject.

Britain thought proper to allow her territories to be tenanted on theſe advantageous terms. While theſe ſettlements were new—while the inhabitants were few, and environed with difficulties and dangers—while they were poor and diſpirited, unable to cope with thoſe enemies that ſurrounded them on every ſide, liberal encouragement was given for increaſing their population:—they were protected by a great and powerful nation, and every indulgence that humanity could invent was granted, to enable them to overcome thoſe difficulties that threatened them, till at length, by their own accounts, they have become a rich, a great, and a powerful people.

In conſequence of theſe vigorous exertions of the parent ſtate to protect her

colonies, ſhe has become loaded with a heavy debt, contracted chiefly in their defence.—To afford them protection, a numerous fleet became neceſſary, and the ſtanding expence of government is prodigiouſly increaſed. Is it reaſonable—is it conſiſtent with the dictates of common ſenſe, that Britain, although ſhe tenderly nurſed her infant children with the milk of her own breaſts, ſhall ſtill continue to enfeeble herſelf, by continuing to ſuckle as a child thoſe who, by their own acknowledgment, are arrived at man's eſtate—and who are not only able to ſupport themſelves, but threaten to deſtroy thoſe very parents from whom they derive their exiſtence, and to whom belongs every thing they poſſeſs?

Again—by what title can they lay claim to the indulgence they demand? If they are ſubjects of Great Britain—if they are protected by her power, is it not reaſonable that they ſhould contribute their proportion of that expence which is neceſſary to ſupport that power, according to their ability, as well as the other ſubjects of the ſtate?

If they are not ſubjects, but free independent ſtates, let them produce the deed by which Great Britain rendered them independent. They were undoubtedly once ſubjects—and how they ſhould have become independent, unleſs by open rebellion, exceeds my power to comprehend: nor did they ever, till they avowed their rebellion, lay claim to it.

If they ſhall pretend to ſay that Britain now demands what ſhe never exacted before; and that therefore they are not bound to pay it—the claim, ſuppoſing the fact to be ſo, would be nearly the ſame with that of a tenant at will, who had been allowed to take poſſeſſion of a tender-hearted landlord, who, on account of the inability of his tenant, exacted from him a very moderate, or even no tack-duty at all—but when, in conſequence of that indulgence, he had become rich and flouriſhing, and abounded in all the good things of this life, he refuſed to give any more tack-duty than formerly, and maltreated his proprietor for exacting it—could ſuch proprietor be accuſed of tyranny, if he either inſiſted to have this additional duty, or ejected him from his farm?

But the Americans have not even this plea to alledge, poor as it is; for it is a truth that will not be denied, that America has always been taxed by Great Britain ſince it was a part of the Britiſh dominions. Small indeed, and inconſiderable for many years, were the taxes paid, for the reaſons above given—but ſtill the right of raiſing them was exerted. This is therefore no new claim.—The right of Britain to tax the colonies was never denied till of late, that they have taken it into their heads that they have power to ſupport that denial, *vi et armis*, againſt the parent ſtate. If this is not a ſufficient proof that they are able to bear a higher tax, I know not where we ſhould ſearch for one.

If Britain then has an acknowledged right to tax America—a right that has been always exerciſed; and if America is able to bear theſe taxes, where lies the hardſhip, of which the Americans ſo loudly complain, in being obliged to ſubmit to ſee that right ſtill exerciſed, although the duty may be augmented.

No doubt but it is natural for them to wiſh to be freed of theſe duties. It is natural for the ſubjects of Britain to wiſh to get rid of their taxes—but is this a ſufficient reaſon to aboliſh them? Who then would protect the ſtate? Ought not *all* to contribute alike in proportion to their abilities for that purpoſe?—All are alike protected.

The argument that has been ſo much employed of late, that it is unjuſt to tax any ſubject, unleſs that ſubject conſents to the law by which he is taxed, either by himſelf or his repreſentatives, has been pretty fully diſcuſſed already as a *legal* claim. A few words, however, may be here proper, conſidering it in the light of *common ſenſe*.

If the Americans never had repreſentatives in the Britiſh parliament—if it was never ſuppoſed they ſhould have any repreſentatives there—and if they, notwithſtanding this, were content to become Britiſh ſubjects, what right have they now to complain of their ſituation?

Theſe men, before they went to America, either were or were not intitled to vote for members to ſit in the Britiſh parliament—If they were not intitled to exerciſe that prerogative in Britain, why complain now that they are not poſſeſſed of that privilege?

If they were actually voters in Britain, they either ſold that right to others for a valuable conſideration, or voluntarily

abandoned it. Have not theſe as little right to complain as the others? It is a well known proverb, *One cannot eat his loa and have his loaf too.*

But in fact the Americans do not wiſh to be intitled to have repreſentatives in the Britiſh parliament. If they had, they ſurely would have petitioned the legiſlative council of Britain to have allowed them the privilege of repreſentatives in parliament:—But this they never have done—nor was ever any thing farther from their intentions than to accept of this privilege, had it been offered them.

If, therefore, they have no other plea to offer, but that they are not repreſented in parliament; and if they refuſe to accept of being intitled to repreſentation, is not this complaining without a cauſe, ſeeing the inconvenience may, for aught that appears, be removed by them whenever they think fit to do ſo?

It is, from this and many other facts, ſufficiently evident that they have really no better argument to produce in ſupport of their determined reſolution to avoid contributing any thing to the public expence of the ſtate, and to give ſome colour to their long concerted deſign of ſovereign independency.

At firſt, when the ſtamp-act was propoſed, they pleaded poverty, and a total inability to pay the tax.—It was hardly hinted that Britain was not well intitled to exact it—and, upon this ſuppoſition alone, that law was repealed *. How far this ſuppoſition was juſt, ſucceeding facts have clearly evinced.

But when power and ſucceſs in their oppoſition inſpired them with a greater degree of inſolence, they began to deny the *right* of Britain to levy any taxes in America; and, truſting to the powerful oppoſition at home, which had at former times ſo often ſerved their cauſe, they boldly demanded that all their taxes ſhould be remitted; which, with a faulty complaiſance, the miniſtry complied with in every inſtance except the paultry tax on tea, which was indeed only a nominal tax, as the duty was in fact lowered inſtead of being augmented to them by it.

Having ſucceeded thus far, they were reſolved to ſtick at nothing leſs than abſolute independence.—Britain appeared now ſo tame, and ſeemed to have ſuch an idea of the conſequence of America—ſuch a powerful junto at home were ready to ſupport every meaſure that could obſtruct adminiſtration in every ſtep, and thus pave the way for their own exaltation, that the opportunity ſeemed too favourable to be neglected.

To try at once how far they might go with impunity, it was reſolved to take bold and daring meaſures that ſhould haſtily bring matters to a criſis, before the nation ſhould have time to be fully informed of facts, ſo as to ſee clearly what was the view of the coloniſts, and to truſt to fine ſpeeches, and artful miſrepreſentations, to keep them long in the dark about it.

In conſequence of theſe counſels, a mob at Boſton, under the patronage of the magiſtrates, was inſtigated to ſeize and deſtroy the tea lying in that city and in the harbour—the moſt wanton and unprovoked inſult offered to the civil power that is recorded in hiſtory!

But their ſcheme would have been rendered of none effect, had they even made acknowledgments, or offered any thing like what might have been conſtrued a reparation for the damages ſuſtained—and therefore no ſuch thing was ſo much as attempted †. What would any man ſay of an adminiſtration which ſhould allow ſuch as had committed ſuch a ſhameleſs outrage on the civil power to eſcape with impunity? Would not every man of ſpirit ſay that their names ought to have been held in abhorrence—and that ſuch perſons were altogether unfit to hold the reins of government in any ſtate whatever.

The miniſtry in Britain, at that time, however mild in other reſpects, were not altogether ſo tame as to ſubmit quietly to this inſult. The Boſton port-bill was enacted—from the tenor of which it appears the miniſtry were not fully appriſed of the intention of the Americans—as they left an opening by which they might at once free them-

* As a proof of this, it may be obſerved, that the declaratory act immediately followed this repeal.

† The Americans have acted with ſuch cautious circumſpection all along in this reſpect, that it appears evident they were afraid to make the leaſt acknowledgment for this daring treſpaſs, leſt it would have been accepted of as an apology by the miniſtry, and thus have fruſtrated their ſchemes. It was therefore carefully avoided.

ſelves from all the calamities threatened by that bill, merely by complying with a common principle of juſtice—paying for the damage that had been wantonly committed by themſelves; and I am fully convinced that the miniſtry imagined *that* requiſition would have been immediately complied with.

But nothing was farther from the minds of the Boſtonians—Like the aggreſſors in moſt diſputes, they were the firſt to complain. Loud and numerous were their complaints of oppreſſion and arbitrary power, for being *required* to do what any private individual in any country of Europe would have been happy to have been *permitted*, as the greateſt favour, to perform, had he been in their ſituation.

But the plan of independence, which had been forming for ages, was now thought ready to be effected; and fate, big with an important revolution, forbid that the dictates of juſtice ſhould be complied with. An American would have thought it an unpardonable crime to have ſaid, he could have been guilty of a treſpaſs, had he, without provocation, ſunk the effects of half the ſubjects of Britain to the bottom of the ſea.—What æra can produce a parallel inſtance of preſumptuous arrogance and folly?

Yet in ſpite of theſe facts, which ſpeak of themſelves a language that cannot be miſunderſtood by any nation under heaven, they truſted to blindfold the people of Britain by words ſeemingly ſubmiſſive, while all their actions breathed nothing but inſolence and contempt for a people who could ſuffer themſelves to be tamely ſo inſulted; like the emperor Charles V. who with a moſt barefaced effrontery cauſed prayers to be put up to heaven many weeks following for the liberation of the Pope, whom he confined a cloſe priſoner in his own hands, the people of Boſton ſupplicated heaven and earth to deliver them from the cruel perſecution of their enemies, from whoſe oppreſſion they could have been in one moment freed by an act of common juſtice, that nothing but a villain would have refuſed.

Impoſed upon by theſe fair ſpeeches, ſome of the ſanguine advocates for America have pleaded [Weekly Magazine xxxi. 386.], "That though thoſe whom we call rebels are calling upon us by every conſideration of juſtice and humanity, are humbly ſuing and ſoliciting in the moſt ſubmiſſive tone, are beſeeching, even with tears, to recall our hoſtile troops, and ſheathe again the bloody ſword, and promiſing every thing that a free people can poſſibly grant,—cannot we agree to their humble petition without wounding our honour and affronting our authority? And though, in the moſt public and ſolemn manner, they have a hundred times over declared that they deſire no other ſort of independence than they have enjoyed for a century backwards—an independence, if it may be called one, that reſts on the acknowledged authority of Great Britain to limit their trade and navigation, and to recognize every law that doth not directly overturn their conſtitutional ſettlement, and the very exiſtence of liberty and property among them,—are they, notwithſtanding, ſtill chargeable with the ſecret deſign of eſtabliſhing themſelves into ſtates utterly independent of the mother-country? All this is amazing! Indeed nothing can be more abſurd; nor would any body argue in this manner who did not conſider his antagoniſt, not as a man of ſenſe, but as a child or a fool, with whom he is at liberty to trifle with impunity."

Such is the language of the inconſiderate abettors of American pretenſions; and thoſe who have attended to *words* rather than to *deeds*, may be excuſed if they ſhould think this a little plauſible. Let us examine.

The Americans have undoubtedly petitioned again and again all orders of the legiſlature, and begged them in the moſt ſubmiſſive terms—to do what?—To give up to them the undoubted prerogative of the legiſlators of this realm; to ſacrifice to *their* pleaſure the juſt rights of the inhabitants of this kingdom, and to ſubmit themſelves implicitly to the dictates of the American demagogues—For nothing leſs is the purport of theſe very humble and moſt ſubmiſſive petitions.

It is one of the glorious privileges of our conſtitution, that every member of it may petition, without reſtraint, the whole body of the legiſlature; but it is a doctrine altogether new, to ſuppoſe that the legiſlature muſt comply in all caſes with the prayer of theſe petitions; yet ſuch ſeems to be the doctrine inculcated by the Americans. "*We* (ſay they) have humbly petitioned you to do ſuch or ſuch things, which we find would be convenient and

agreeable to us; *you* have refuſed to comply with the earneſt prayer of our reiterated petitions, and as *we* are *poſitive* that *we* alone are the only judges of what is fit in this caſe, you muſt blame yourſelves if any inconvenience ſhall refult from your obſtinate refuſal. We appeal, therefore, to heaven and earth that you compel us to take up arms againſt you, and all the harm that may refult from this conteſt muſt remain at your door,—for had you complied with our prayer it might have been intirely avoided."

I ſhall beg the reader will try if he can diſcover any difference between this reaſoning and that of a man who ſhould come up to him on the high-way, and deſire him, with the utmoſt complaiſance and humble obeiſance, to deliver his purſe, or what part of it the highwayman ſhould think proper to demand: ſhould you heſitate about complying with his requeſt, he would humbly put you in mind that God had made all mankind originally equal,—that every man had from nature as good a title to live well, and enjoy the good things of this life, as any other,—that *he* had not the means to ſupport himſelf in life in half ſuch an elegant way as *you* could do,—that he, therefore, in all Chriſtian charity, demanded, in the name of God, your common Father, that you ſhould comply inſtantly with his requeſt, which was ſo conſonant with the principles of religion and equity:—Should theſe arguments ſtill prove unſatisfactory, he would proceed to intreat of you, in the moſt humble manner—on his knees, and with tears, to comply with his requeſt, and conjure you by all that was moſt ſacred on earth, or in heaven, not to force him to uſe violence to procure what he was determined he would not want; he would paint, in the moſt pathetic terms, the miſery that might enſue from your perſiſting with ſuch unreaſonable obſtinacy in your refuſal, and appeal to heaven, that if, in attempting to obtain what you might have parted with at his firſt requeſt, he ſhould be obliged to maim, or even murder you, that he waſhed his hands in innocence, and the blood ſhould remain upon your own head; but if ſtill you ſhould perſiſt in your refuſal, he would preſent his piſtol, and addreſſing himſelf to heaven, utter this fervent ejaculation, "Open thou our mouth, O Lord, and we ſhall ſhew forth thy praiſe," and inſtantly blow out your brains.—I aſk again, where would be the difference between the one and the other?

The Americans have indeed petitioned moſt humbly, but they have petitioned for what they had no right to command.

They have indeed petitioned,—but they have petitioned for what the legiſlators, without the moſt evident breach of truſt, had not in their power to give.—And they have humbly appealed to heaven for the juſtneſs of their cauſe, when they cannot produce a ſingle argument to ſhew the equity of their claim, if decided either by the principles of law or equity.

Should the legiſlators of Great Britain have been weak enough to comply with the prayer of theſe very modeſt and moſt humble petitioners, what would have been the conſequence?

The natives of this country would have found themſelves oppreſſed with an immenſe debt, and heavy taxes, and with an enormous charge annually increaſing, for protecting a great and powerful nation, who refuſed to bear any part of theſe burdens. Would not they, in this caſe, have had a good reaſon to murmur at the partial folly of their governors, and have had juſt cauſe for riſing in rebellion againſt them for thus wantonly ſacrificing their juſt rights?

But ſuppoſing things ſhould have been carried with a more moderate hand, and troubles and inſurrections ſuppreſſed, would not the people in this iſland, oppreſſed with taxes in ſuch an enormous degree, while their brethren in America were freed from all the public expence of government, ſigh for thoſe bleſſings they ſaw the others enjoy, and therefore deſert this curſed iſland (as it might in that caſe have been called), and go to the happier regions in the weſt? And would not the memory of the miniſter who had been the mean of accompliſhing this happy revolution, deſerve to be adored by all poſterity?

We ſhall by and by ſee what would have been the bleſſings the inhabitants of this iſland would then have enjoyed, in exchange for thoſe they poſſeſs at preſent.

The Americans, till very lately, have acknowledged the right that Great Britain undoubtedly has to limit their

trade and navigation; but upon what principles can Britain think to limit their pretenſions to be freed of all reſtraints in this caſe, as well as with regard to taxation? I acknowledge I can diſcover none.

If it ſhall be ſaid, this power is reſerved to Britain by their original charters, I anſwer, it is not more clearly implied in theſe than the right of taxation.

If it ſhall be ſaid that they have uniformly acknowledged this, and ſubmitted to the exerciſe of this power, I anſwer, the ſame may be ſaid as to taxation, and every other exertion of juridical authority till the preſent æra: and if it ſhall be allowed that Britain has now no right to tax the Americans, will not the ſame arguments that are now employed to free them from the one, be equally valid for freeing them from the other, whenever they ſhall chuſe to claim an exemption from theſe reſtraints?

Hence then it appears, that the preſent conteſt with America is not an idle claim for uſeleſs ſuperiority, but a conteſt for the very exiſtence of this ſtate. For ſhould their demands have been complied with, it would have been impoſſible to preſerve this ſtate from utter ruin in a ſhort time.

It were ten times better for Britain that America ſhould be independent, than to have her as a ſubject dictating to our rulers, and preſcribing laws to our legiſlators, and reaping all the benefits of civil government without any of its burdens; for Britain may ſubſiſt by herſelf, and retain her independency, but it would have been impoſſible for her to have exiſted at all, under that kind of government that muſt have taken place, had their demands been complied with.

I propoſed to have entered into a critical review of the conduct of the Americans from the beginning of this conteſt, with a view to demonſtrate from thence that independence has been their aim from the very beginning; but from the circumſtances taken notice of incidentally through this eſſay that point to that end, and from their having now clearly declared themſelves for independency, I will not enter more minutely into that diſcuſſion.

I only now ſhall make a few remarks on the reſtraints on their trade, ſo often mentioned and little underſtood, and ſhall conclude with ſome obſervations on the conſequences that would reſult to the Americans themſelves, ſhould they be ſo unfortunate as to ſucceed in the preſent conteſt. It is a doubt, how far Britain would be a loſer by parting with them intirely, if they are not to be put upon a better footing than formerly; but there is little room to entertain a doubt about the fate of the Americans, ſhould they be abandoned intirely to themſelves.

I have often amuſed myſelf by fancying what opinion an unconcerned ſpectator would have formed of the Americans and Britons, who had been fully acquainted with hiſtoric facts, and who ſhould have read the ſeveral petitions and addreſſes of the Americans, the remonſtrances of the city of London, and its followers, and the ſpeeches in our houſes of parliament. If our news-papers ſhall, any of them, be tranſmitted to future ages, ſome curious reader, who is anxious to form a juſt opinion of the character of the people and manners of the times, will be nearly in the ſituation of that impartial ſpectator, and will no doubt find many important reflections croud into his mind on that occaſion. If he ſhall have previouſly formed to himſelf an high opinion of the wiſdom of our legiſlators, and the excellence of our conſtitution, by peruſing the account given of theſe by Monteſquieu, De Lolme, &c. he will perhaps be highly aſtoniſhed. If he has been intimately acquainted with the human heart, and well-verſed with the internal vices of thoſe antient republics, ſo often held up to mankind as models of perfection by thoſe who have been able only to view them at a diſtance, he will ſee, without aſtoniſhment, that man is the ſame at all times, and, in equal circumſtances, is liable to fall into the ſame vices and defects: he will ſee that artful men have, in all ages, had little difficulty to lead the multitude at pleaſure, contrary to the dictates of common ſenſe, and that it is only when too late, that the *people* who have been miſled come to diſcover the errors into which they have fallen. It is hardly now neceſſary to point out the ſophiſtical arguments that have been employed to miſlead the multitude as to American affairs, as the conteſt muſt ſoon be determined by other far leſs agreeable means than the pen; yet it may afford ſome ſatisfaction ſlightly to glance at a few of them.

The Americans and their advocates have all along contended, that all they wiſh for is to be placed on the ſame political footing, with regard to Great Britain, as before the year 1763; and, by the whole tenor of the arguments employed by them on this head, it would ſeem, that they wiſhed only to be freed of ſome petty taxes which they think burdenſome to them; and many of the ignorant *people*, who ſpeak loudly on this ſubject, ſeem to apprehend that the loſs of the revenue that would ariſe from theſe taxes, is all the inconvenience that Britain would ſuſtain by complying with their demands, and therefore heartily concur with the Americans, or at leaſt think it abſurd to throw away ſo much money to inforce obedience to a law of ſo little importance as that which ſeemingly gave riſe to this conteſt.

Wiſe men, however, eaſily ſee thro' the flimſy veil that covers the real deſign of the Americans in making this demand, and perceive that a compliance with it in the preſent circumſtances would be attended with the moſt fatal conſequences. Before the year 1763, America accounted herſelf bound to ſubmit peaceably to all the ſtatutes that Britain ſhould enact relating to her, and the legiſlature and inhabitants of Britain never entertained a doubt about it. About that time, as a ſpirit of independence began to manifeſt itſelf in the colonies, it was thought neceſſary publicly to declare that Britain had that right, by a ſolemn act of the legiſlature at large; ſo that, were all the laws ſince that period repealed, and this among the reſt, it would be intirely giving up a right that Britain cannot part with, if ſhe is to continue a ſtate as formerly, and the Americans would be on a very different footing indeed from what they were before that period. Like a child who peremptorily refuſes to comply with the commands of its parent in one inſtance, and profeſſes that, in every other reſpect, it will be obedient to his will,—the Americans peremptorily demand as a *right* what it only behoved the ſtate to judge of, and to grant as a *favour*, if they ſaw fit. Every man knows what is the certain and inevitable conſequence of the parents' compliance in the one caſe, nor is it difficult to perceive, that ſimilar miſchief is intended, and muſt neceſſarily follow, ſhould the ſtate be ſo fooliſhly weak as to yield in the other caſe.

The Americans and their advocates have alſo often aſſerted, that they were not deſirous of refuſing a proportional aid for the public expence, but were ready to contribute for that purpoſe, and to levy it upon themſelves, if the *king*, by himſelf, would require it from them. If they had ever expected that this was to be conſidered as a ſerious offer, it only means, that they wiſhed the *king* to be an abſolute monarch over them, and that they would willingly ſubmit to be *fleeced* by him at his pleaſure (for they made no reſtrictions in this offer); but they were not ſuch idiots as ever to have had a ſerious deſign of ſubjecting themſelves to ſuch a grievous ſlavery as they muſt have felt, had this offer been accepted of, and put in execution, *bona fide*, by both parties. They knew well, that had the king been wicked enough to have wiſhed for ſuch a thing, the Britiſh nation never would have tamely permitted ſuch a part of the ſubjects of the realm to become ſlaves to the crown, even if they themſelves ſhould demand it,—nor permit the king to be poſſeſſed of ſuch a power to inſlave themſelves, as he would have enjoyed in conſequence of the revenue that, by an artful management, he might have derived from thence.

Happily, however, our moſt gracious ſovereign, who has the happineſs of all his ſubjects more ſincerely at heart than they themſelves ſeem to have, inſtead of being miſled by this inſidious offer, rejected it with diſdain, as being unworthy a free people to offer, or a juſt prince to accept of: But, to humour their wayward fancies, and to leave them no appearance of excuſe, with that lenient tenderneſs which ſeems to influence all his actions, he adopted the plan chalked out by them, agreed to their propoſal in every reſpect, except the ſubſtituting the conſtitutional legiſlature of Britain inſtead of himſelf alone. He agreed that they ſhould be allowed to tax themſelves—at the requiſition of the Britiſh parliament; and the miniſtry even went ſo far as to engage, that all the revenue raiſed in America ſhould be ſpent in it*. The propoſal, however, met with the reception that unprejudiced

* The miniſtry have been often blamed for the meaſures adopted with reſpect to America. Perhaps no meaſure was ſo blame-worthy as this offer;—an offer which, if accepted, would

perſons expected. What was only offered with a view to ſave appearances, and miſtead the weak, was never intended to be agreed to, if accepted.—The offer was of courſe rejected, as contrary to the views of the American congreſs.

At firſt they complained that their charters were infringed; but this ground, as untenible, is now intirely deſerted. Charters are good when in favours of America; but, when againſt them, charters, compacts, preſcriptive rights, and every rule that is reckoned binding on ſociety, are accounted as nothing, and they have recourſe to that natural ſtate of hoſtile liberty that man enjoys before political ſocieties were inſtituted. If, therefore, they refuſe to ſubmit to theſe civil inſtitutions that mankind have found neceſſary to eſtabliſh for preſerving order in ſociety, and have recourſe to open force for making their will a law to others, what reaſon have they to complain if others have recourſe to the ſame means for bringing them back to a ſenſe of their duty?

It is hardly worth while to take notice of the praiſes they beſtow upon one ſet of men, and of the opprobrious abuſe they pour out againſt another, were it not to point out to the ſimple and undiſcerning multitude the abſurdity of this, as well as of their other demands, and to diſcover what are the motives of attachment between thoſe in this country who favour them, and the Americans: for the Americans themſelves know too well, that theſe very men whom they praiſe as an *illuſtrious band of heroes who ſtand up in defence of liberty*, were the very perſons who planned and put in execution thoſe acts of which they moſt complain, and that the preſent miniſtry have only repealed ſome of the moſt obnoxious of theſe ſtatutes; but they thus hope to blindfold the nation, and clog the wheels of government a little,—while the *illuſtrious band*, who know full well the bent of the Americans, only mean to make uſe of them as a ladder to help them to mount into the ſeat of power, after which they would cruſh them as ſoon as they could. Thus do theſe two parties mutually praiſe one another, whom they heartily deſpiſe, merely with a view to promote their own purpoſes. The artifice is indeed ſo ſimple, as to be fitted only to impoſe upon the moſt ignorant on either ſide. But unfortunately the number of ignorant perſons who pretend to judge of theſe matters, is extremely great!

The Americans likewiſe, in all their petitions, till of late, acknowledge the right of Great Britain to regulate their trade, and confeſs their willingneſs to ſubmit to the rules which the parent ſtate may think proper to eſtabliſh in this reſpect. This is their language:—But when we proceed to inquire into the purport of theſe offers it appears, that, like the other offers they have made, it is found without meaning,—words merely calculated to impoſe upon the unthinking multitude. This requires ſome explanation.

In the beginning of this eſſay I obſerved, that the reſtraints on the American trade were the real grievances that firſt inſtigated thoſe Americans, who are the ſecret leaders of this inſurrection, to wiſh for a ſeparation from Great Britain:—But this they dared not to avow, either to the other Americans themſelves, or the inhabitants of Great Britain:—They have therefore contrived to impoſe upon the one and the other, by inſerting this declaration in all their petitions and memorials, as it aſſumes a ſpecious appearance, while, at the ſame time, if accompanied with the other immunities they demand, it really means nothing. But, were they even in good earneſt ſerious in this propoſition, as they have an equal right to demand to be freed from theſe reſtraints as they have to require an exemption from taxes, there can be no doubt that, was this demand complied with, inſolence as uſual would increaſe with power, and the navigation-act would become a bone of contention in no diſtant period, when they would peremptorily demand that it might be re-

have been a ſource of perpetual diſſenſion between the parent ſtate and the colonies. The firſt would with juſtice have complained, that the colonies did not contribute their juſt ſhare of the public expence for the defence of the ſtate:—the laſt would have complained of the troops, &c. ſtationed among them, as tending to inſlave them, and would have with-held their contributions when they ſaw fit.—Mutual jealouſies and wars muſt have been the conſequence:—wars, more to be dreaded than the preſent!/ Happily theſe miſchiefs have been prevented by the Americans! Perhaps miniſtry foreſaw this, or the offer would not have been made.

pealed, or a more obſtinate and bloody war muſt be the conſequence.

But, independent of this circumſtance, let me aſk any conſiderate perſon, in what manner Great Britain could regulate their trade, were their other demands complied with?—She might, indeed, make as many laws for that purpoſe as ſhe pleaſed, which might be allowed to paſs both houſes of parliament without oppoſition—But how could ſhe inforce theſe laws? The temptation to ſmuggling is ſtrong—the opportunities of doing it with impunity are numerous. There is a ſtrong bias among the trading part of mankind, and among all other claſſes, to favour thoſe who tranſgreſs theſe laws.—While the cuſtom-houſe officers, therefore, are in ſome meaſure dependent upon themſelves—while the judges are parties—and while juries may be packed to their mind, what law need they be afraid of, however ſevere? In theſe circumſtances they may, with unconcern, ſuffer the legiſlature to enact what laws they pleaſe, and proffer to pay implicit obedience to them.—Such has been the caſe hitherto with them—but now, that ſome ſteps have been taken to put theſe laws effectually in execution, they have taken the alarm—Thoſe who have been in the practice of obtaining riches by a trade the moſt deſtructive that can be imagined to the parent ſtate, ſee themſelves ready to be deprived of theſe ſources of wealth; and therefore moſt naturally are diſpoſed to oppoſe theſe arrangements with all their might.—Their language is, "Alter not your practice with 'regard to us—Allow us to explain the 'laws—to collect the duties by our own 'officers as formerly, and we will ſubmit without reluctance, *as formerly*, 'to theſe laws, and ſuffer you to make 'as many more as you pleaſe—but do 'not you intermeddle as to the execution of theſe. Truſt us we will, like 'honeſt, diſintereſted, noble, generous 'ſouls, do every thing that is right—'but we will not ſuffer you to uſe us ſo 'ungenteelly as to doubt our word, or 'to ſend any perſon to ſee that theſe 'laws of yours are duly executed."

This is a fair ſtate of the caſe—and who can doubt but that ſuch a ſet of *liberal-minded men* will, on all occaſions, ſacrifice their own intereſt to the good of the parent ſtate, for which they have ſhewed ſuch filial affection?—Is it not, therefore, an unpardonable inſult in any miniſter to doubt their word of honour, or think of demanding any other ſecurity for the execution of the laws than their own promiſe? Is it not well known that their reputation as to integrity in every ſenſe is immaculate, and free from every ſtain whatever?

I now come to conſider the nature of the trade of Great Britain to theſe colonies, the reſtraints the Americans are under in that reſpect, the many and great inconveniencies they labour under on this account, and the innumerable advantages that this parent ſtate enjoys from it.

When Britain began to perceive the benefits that reſulted from trade, and to know wherein her real ſtrength conſiſted, the famous navigation act was made, by which all veſſels trading to Britain were obliged to be navigated chiefly by natives. This act was extended to America, with an obligation to land all the products that were ſhipped from theſe colonies firſt in Britain, before they could be carried to any other port. It was found in a ſhort time, that ſome of the commodities were ſo bulky as did not admit of being tranſported to Britain at all, and that others ſuffered great damage by that, which hurt the trade of the colonies conſiderably. On this account, certain commodities were exeemed from this burdenſome mode of conveyance, and the Americans were left at liberty to go directly to their deſtined ports with them, without touching at Britain at all. The number of theſe has been gradually increaſed till the preſent time, that all the bulky commodities exported from thence, excepting tobacco, hemp, and naval ſtores, are included among them.

For their greater encouragement, the act of navigation was farther diſpenſed with, and they were allowed to navigate their veſſels without the requiſite number of Britiſh ſailors;—an indulgence that many of the beſt judges of political juriſprudence think was highly injudicious. A late eminent writer (Mr Adam Smith) juſtly obſerves, that defence is more neceſſary for a ſtate than even a very flouriſhing commerce; and altho' all reſtraints upon commerce are hurtful to it, yet the navigation act, which tends ſo much to increaſe the number of ſailors, on which the ſecurity of this iſland chiefly depends, although it

might retard our commerce in a ſmall degree, was nevertheleſs a moſt neceſſary law, that ought not, on any account, to be diſpenſed with.

Theſe are the reſtraints on their trade, which the Americans ſo often mention, and from theſe they aſſert, that Britain derives ſuch great advantages as would be more than ſufficient to pay their full proportion of the public charges of the ſtate. Let us endeavour to ſee what they loſe, and what Britain gains by theſe laws. But we muſt ſtate their trade as it *really is*, and not as it is repreſented to be.

To the Weſt Indies the Americans export lumber, by which is meant wood of all ſorts,—rice, maiſe, peaſe, wheat, flour, dried fiſh, &c. without any reſtraint.

In return, they bring from the Britiſh iſlands ſugars, and melaſſes to be diſtilled: From the French and Dutch iſlands they import, beſides the above articles, cloths of all ſorts, teas, and Eaſt India goods; but eſpecially linens, in exchange for hats of their own manufacture, and furs, not to mention guns and military ſtores, when we are at war with them, which are ſmuggled out, as the French manufactures are ſmuggled in, with the greateſt eaſe.

To the Mediterranean, and all to the South of Cape Finiſterre, they have liberty to export rice, and grain of all ſorts, without any reſtraint; by which commerce, Britain is deprived of a market for her wheat, which ſhe would be able to furniſh them with, to her own great emolument. By the ſame opportunities, they export hats and furs in a clandeſtine manner, to the great hurt of our own manufactures, and emolument of our rivals.

From thence they clandeſtinely import ſilks, linen, wines, and other articles of their produce: and as the trade here is of the clandeſtine ſort, and as they ſell more than they buy, it is always paid in ready money.

To Britain they export tobacco, iron, tar, pot-aſh, a little hemp, ſome flax-ſeed, furs, indigo, and rice; for all of which, except the firſt and laſt, they receive a very conſiderable bounty.

From Britain they import what coarſe woolen goods they cannot be ſupplied with from other markets,—ſome coarſe linens, hard-ware of all ſorts, to a conſiderable amount, as theſe can be obtained no-where elſe ſo cheap; a ſmall quantity of tea, and other Eaſt India goods, powder, ſhot, books, &c.; the returns for which are ſcarce ever ſooner than in three years, and often not till ſeven.

Many readers who have been accuſtomed to think that Britain furniſhed every article of cloathing, &c. to every inhabitant in America, and who therefore formed in his own mind a grand idea of the amazing extent of the American trade, will be ſurpriſed at this account; and thoſe who have been accuſtomed to think of it in that manner, will no doubt be prodigouſly amazed at the ſmall effect that the ſtopping of the American trade has produced on our manufactures. The American merchants themſelves ought to have known this in ſome meaſure before, and ſhould have viewed it as a dangerous experiment, totally to prohibit trade with Britain, leſt it ſhould open her eyes as to its inſignificance, and force them to trace it to its ſource. It was an engine in their hands with which they might, by ſkilful management, have kept miniſters in awe; but now the charm is diſpelled, and they will ſoon find that with it their influence will be loſt, or they will be compelled to make their trade flow in another channel more advantageous to the parent ſtate.

Thus it appears, that unleſs it be the tobacco trade, which we have been able to ſecure intirely to ourſelves, all the reſt is of little conſequence. The northern colonies, inſtead of taking *all* their manufactures from us, as many think they do, not only manufacture cloth, and linen almoſt as much as ſerves themſelves, but hats alſo in great quantities for export, contrary to the laws of our commerce, which is highly prejudicial to the intereſt of the ſtate; nor do they take almoſt a ſingle article of manufacture from us that is not furniſhed cheaper by us than any other nation, and which they would buy from us were their commerce to all the world perfectly free; and, indeed, unleſs in the article of tobacco, their commerce, in the way they managed it, was intirely free. Was it a wonder if they wiſhed it ſhould be always ſo? And has not Britain been extremely fooliſh to pamper, in ſuch a high degree as ſhe has done, the inhabitants of thoſe colonies from which ſhe can derive ſo little advantage?

Had half the attention that has been beſtowed upon the *northern* provinces of America,—had half the money that has been expended there for their encouragement and protection, been judiciouſly applied in Britain itſelf, I have no doubt but the nation might have been perhaps twice as powerful as it is at preſent: But what is paſt cannot be recalled.—Let us be wiſer in time to come.

Such is the nature of that trade, about the immenſe benefits of which to Britain ſo very much has been ſaid. By means of it, the French ſugar colonies are ſupplied with lumber, and have their melaſſes taken off their hands at a very high value, while the Britiſh ſugar planters are depreſſed for want of a market* for this commodity, to the very great benefit of our moſt inveterate rivals, and detriment of this nation.—By this trade, furs, the only branch of commerce that Britain can pretend to have any thing like a monopoly of, are diſperſed to various parts of the world, and our hat manufactory of courſe greatly cramped, in compariſon of what it would be.—By means of it alſo, the French linen and woolen manufactures are greatly encouraged, and thoſe of Scotland and England proportionally depreſſed, contrary to the intereſt of the parent ſtate.—In ſhort, the northern colonies have perfect liberty to carry all their products, of any value, directly to thoſe markets that are beſt adapted to them, without reſtraint; in every one of which they naturally interfere with the commerce of this iſland, and, by the manner in which they have hitherto carried on their clandeſtine trade, prove highly detrimental to the intereſt of the parent ſtate. In return for which loſſes, we are poſſeſſed of a languid inconſiderable trade that would quickly have dwindled into nothing of itſelf, without any prohibitions of the American congreſs, had things been allowed to go on in their old train.—But this, it is to be hoped, will be prevented.

The reader will take notice I here refer intirely to the northern colonies. The commerce to the ſouthern provinces is more beneficial, and happily it is equally ſo to the parent ſtate and the colonies; but even this is as yet of far leſs importance than it might be, or is generally imagined, as it has never yet made any thing like an adequate return to this nation for the expence ſhe has been put to in obtaining it.

The farther I proceed in examining into the merits of this controverſy, I find reaſon to be more and more amazed at the nature of the arguments that have been boldly advanced by the favourers of America. It would ſeem as if they imagined that all their readers had been dipt in *Lethe*'s ſtream to make them loſe the remembrance of all paſt tranſactions, or were endowed with ſuch an extraordinary degree of credulity, as to believe any thing that might be told them. It would not appear ſurpriſing to me if they ſhould ſome time take it into their heads to aſſert, that the ſun was a rock of ice, and the moon a piece of ſilver, or, if they did ſo, that they would meet with people who would implicitly believe what they had ſaid.

It has been aſſerted in the houſe of commons, in the face of the ſupreme legiſlative council of the nation; in the faces of thoſe very perſons who had given their votes for raiſing the ſupplies—that Britain never expended any thing upon America.

"What have we done for them?" ſays Mr Hartley in the houſe of commons; "I believe preciſely nothing at all, but juſt keeping watch and ward over their trade, that they ſhould receive nothing but from ourſelves, and at our own price. I will not poſitively ſay that we have ſpent nothing, though I do not recollect any ſuch article on your journals, but I mean not any material expence in ſetting them out as coloniſts. The royal military government of Nova Scotia coſt indeed not a little ſum; above 500,000 l. for its plantation, and its firſt years. Had our other colonies coſt any thing ſimilar, either in their out-ſet

* The reader who is not acquainted with the nature of trade, may perhaps wonder how the Americans can give the French a good price for their melaſſes, and only give a very poor one to the Britiſh planters:—It ariſes from this circumſtance;—the French get in exchange for them hats and furs, articles of very great value to them, although of low price in America. Both parties thus find themſelves great gainers by the trade; but theſe cannot be imported into the Britiſh iſlands, ſo that although the Americans may give as much money for the melaſſes as the value of the furs, &c. in their own country would ariſe to, it is a much lower price to the Britiſh than to the French planter.

or *ſupport*, there would have been ſomething to ſay on that ſide; but inſtead of that, they have been left to themſelves for 100 or 150 years, upon the fortune and capital of private adventurers, to encounter every difficulty and danger."

It is hard to ſay whether our amazement at the ignorance, or indignation at the impudence, of this declaimer ſhould be moſt excited on peruſing the above paſſage. Perſons who form no part of the national council of the ſtate may be, in ſome meaſure, excuſed if they ſhould not fully underſtand every particular relating to the application of the public revenue: But, for a member of the Britiſh ſenate, whoſe buſineſs it ought to be to ſearch and obtain information in caſes of this ſort, to be totally unacquainted with the expenditure of the ſums (mentioned below *) which have been voted by the houſe of commons for American ſupport ſince its ſettlement, beſpeaks a moſt ſhameleſs degree of indolence, which nothing could apologize for but a modeſt diffidence ariſing from conſcious demerit.—Inſtead of which we have here a moſt pompous harangue, delivered with all the aſſurance that ought to ariſe from a perfect knowledge of the facts in queſtion.—Is it a wonder that the ignorant vulgar ſhould be miſled, who have hardly any other means of information than the ſpeeches of their repreſentatives—and who, perhaps, do not think it poſſible for any man to arrive at ſuch a conſummate degree of impudence as to be able ſo ſhamefully to miſrepreſent facts, as in the preſent inſtance?

In the ſame declamatory ſtile he proceeds: "If they make a hat or a piece of ſteel, an act of parliament calls it a nuiſance: a tilting hammer, a ſteel furnace, muſt be abated in America as a nuiſance. Is it ſo with their fellow-

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* SUMS *granted to the ſeveral Provinces of* North America, *for the ſupport of the Civil Government, &c. of each Province from the year* 1716 *to* 1775 *incluſive.*

New-York forces, — — —	£.	339,055	16 8
Carolina in general, — — —		43,024	9 10½
Georgia, civil and military, — — —		380,920	2 10½
South Carolina, military, — — — —		101,524	5 6
Nova Scotia, civil government, — —		1,358,240	17 6½
Eaſt Florida, ditto, — — — —		59,300	0 0
Weſt Florida, ditto, — — — —		64,324	13 6
America in general, forces, — — —		172,999	0 0
Rewards and compenſations, before laſt war, —		235,749	2 10½
Total	£.	2,755,138	8 10

GRANTS *in Parliament for Rewards, Encouragement, and Indemnification, to the Provinces in* North America, *for their Services and Expences during the laſt war.*

Date of votes.				
Feb. 3. 1756.	New England, New-York, and Jerſey,	£.	115,000	0 0
May 15. 1757.	North and South Carolina, and Virginia, —		50,000	0 0
June 1. 1758.	Maſſachuſſet's Bay and Connecticut, — —		41,117	17 6½
April 3. 1759.	American colonies in general, for pay and cloathing to their troops, — — —		200,000	0 0
March 13. 1760.	Ditto, — — — — —		200,000	0 0
	To New-York for expences incurred by them in 1756, — — — —		2,977	7 8
Jan. 20. 1761.	Colonies in general, as before — —		200,000	0 0
Jan. 26. 1762.	Ditto, — — — — — —		133,333	6 8
March 15. 1763.	Ditto — — — — —		133,333	6 8
April 22. 1770.	New Hampſhire forces, in as incurred anno 1658, — — — — —		6,009	13 3
	Total	£.	1,081 771.	11 9½
	Carried over	£.	3,836,910	0 7½

ubjects on this ſide the Atlantic? Are he hats and cloths of Glouceſterſhire nuiſances?—Are the tilting hammers of Pontipool nuiſances? Are the cutleries of Sheffield and Birmingham nuiſances? Are the ſtockings of Nottingham nuiſances? Are the linens of Scotland, Ireland, or Broomſgrove, nuiſances? Are the woolen cloths of Yorkſhire, the crapes of Norwich, or the cottons of Mancheſter, nuiſances?—I ſpeak from facts. I call the books of ſtatutes and journals to witneſs."

In anſwer to theſe queries, in my turn I aſk—if the Britiſh parliament have declared that pig-iron, the maſts, of Maſſachuſett's-bay are nuiſances?—If the rice of Carolina is a nuiſance?—If the pitch and tar, the hemp, the pot-aſh, of all theſe colonies are nuiſances?—or if the indigo of Georgia is a nuiſance?—Does not Great Britain pay bounty for encouraging all theſe manufactures in the colonies?—If, in ſome inſtances, ſhe has ſeen proper to reſtrain the colonies, in others ſhe has reſtrained the parent ſtate from the fear of injuring the colonies.—Has not the parliament of Great Britain declared it is a nuiſance, if you will, has ſhe not prohibited the planting tobacco in this iſland, leſt it ſhould have been hurtful to the American trade?—In every well governed kingdom ſome particular manufactures deſerve to be encouraged in one part of the country in preference to another, ſo as moſt effectually to promote the good of the whole. This is a conduct that has been followed by Britain, both as to her own internal manufactures and commerce, and with regard to the colonies. Such reaſoning as the above is therefore altogether idle and nugatory, and is calculated merely to prejudice the weak, and miſlead the ignorant.

In the ſame ſtile of miſrepreſentation he proceeds to ſpeak of the protection our fleet affords to the American commerce. "They are (ſays he) *our* cargoes, *our* manufactures, *our* commerce, *our* navigation."—Very true. If America be conſidered as a part of the Britiſh dominions, all this is true—becauſe *they*, as well as the inhabitants of Britain, are included under the emphatic term *our*: But when he ſays, that "every ſhip from America is bound for Great Britain; none enter into American ports

Brought over		£. 3,836,910	0 7½
An account of Bounties on American *Commodities, paid by* Great Britain.			
On Indigo from 1749 to 1773,	£. 145,022 3 3¼		
On Hemp and Flax from 1766 to 1772,	5,560 8 7¾		
On Naval Stores from 1706 to 1774,	1,458,762 11 9		
		£. 1,609,345	3 8¼
Beſides other Bounties granted on Raw Silk, Pipe ſtaves, Hogſhead ſtaves, Barrel ſtaves, Pipe, Hogſhead, or Barrel Heading.			
From the year 1714 to the year 1775, the money voted by parliament for the forces employed in defence of the colonies, amount to — — — — — —		8,779,925	3 11½
Extraordinary expences for forts, garriſons, ordnance ſtores, tranſports, carriages, proviſions, &c. — —		8,779,925	3 11½
Expences of fleets and naval ſtations, employed and eſtabliſhed in America for its defence, — — —		10,000,000	0 0
Annual preſents to the American Indians for abſtaining from hoſtilities againſt the colonies, and for the ceſſion of lands, — — — — — — — —		610,000	0 0
Total		£. 34,697,142	10 10½

The reader who is deſirous to ſee the particulars of theſe expences more minutely ſtated, may have recourſe to the pamphlet intitled, the *Rights of Great Britain aſſerted*, where he will find full ſatisfaction.

It deſerves to be noted, that the above expence has been almoſt wholly incurred ſince the acceſſion of the houſe of Hanover: What had been expended before that period is not mentioned.

but Britiſh ſhips and men,"—nothing can be more ſhamefully falſe; for, excluſive of the tobacco ſhips, I will venture to aſſert, that hardly one ſhip of ten that ſail from America is bound for Britain—and nearly as ſmall a proportion of the ſhips that return are Britiſh, or are navigated by Britiſh ſailors. The courſe of their trade has been already explained, and needs not be here enlarged upon.

Such is the information that the ignorant derive from the *patriotic* members of both houſes of parliament, who ſeem to have no other deſign but to perplex the councils of the nation, and miſlead the multitude.—Weak, indeed, muſt be the arguments they have to adduce when they are obliged to have recourſe to falſehoood and miſrepreſentation.

A man who is himſelf cool and unprejudiced; who has conſidered the reſpective claims of the parent country and of the colonies with attention, is in ſome degree aſtoniſhed at reading many of the arguments that have been produced by the favourers of America in the preſent conteſt. One who has a ſincere love for liberty—who wiſhes well to the cauſe of humanity, and is deſirous of promoting the general happineſs of mankind, can eaſily form an idea of certain abuſes in the government of theſe colonies that might deſerve to be corrected, and of defects in their political arrangement that might require to be rectified. Had the coloniſts, with temper and moderation, pointed out theſe abuſes or defects, and ſhowed that they were deſirous of having them remedied by ſuch alterations as deliberate wiſdom might direct, it is not to be doubted but that all the calm and diſintereſted part of the nation would have eſpouſed their cauſe, and have compelled the miniſtry to comply with their requeſts, even if they ſhould have been as tyrannical and wicked as they wiſh to repreſent them. I can at leaſt anſwer for myſelf, that, as far as my influence could have extended, they ſhould in that caſe have had it: But when they themſelves, with an intemperate fury, complain of evils that either do not at all exiſt, or are merely of their own creating—and when the writers they employ endeavour to perplex the underſtanding by ſophiſtical arguments and abſurd deductions, the man of common ſenſe becomes ſhocked at the attempt, and their moſt ſincere wellwiſhers, if uninfluenced by party or ſelf-intereſt, are obliged to abandon them as unreaſonable political bigots at beſt.

The writers in favour of the colonies ſometimes complain of Britain as having *power* only, and no *right* over the colonies—She is a great and rigorous deſpot who is able to cruſh the inhabitants, but not to ſubdue their ſpirits. This favours their argument at the time. On another occaſion Britain is repreſented as weak, and utterly incapable to cope with the Americans in arms, who are ſaid to be not only capable of reſiſting the whole force of Britain, but of all Europe, were they combined againſt them *. Would to God they had been poſſeſſed of a hundredth part of that power twenty years ago, we would have been freed from the expence and trouble of a very bloody war, undertaken ſolely in their defence.

Perhaps a reverend calculator †, who has become a warm partizan of the Americans, will not be looked upon as an able planner of military operations—and it is poſſible he would not have gone ſo far out of his own ſphere as to attempt this, had he not had motives for it that are not altogether apparent. However that may be, it is very poſſible his reputation as a calculator would not have ſuffered much if he had confined himſelf to the civil department, and avoided the military line. I am but a novice in this reſpect as well as himſelf, and therefore would be content to leave the deciſion of the matter to the experience of one campaign: But, as the reverend doctor is ſo fond of making calculations, I ſhall beg that, in the next edition of his eſſay, he will favour the world with anſwers to the following queries.

Suppoſing the united colonies have 500,000 fighting men, all completely armed, and unanimous in the great cauſe (for I want to grant him every thing, and am by no means deſirous of diſputing about trifles), how many men would there be for every mile of frontier?

Suppoſing theſe men were placed continually as a guard, and in readineſs at all times, how long would it be before they could bring together, at any one

* Yet our preſent numbers are ſufficient to repel *all the world*.—Common Senſe, P. 58.

† Dr Price.

place, a ſufficient number of forces to oppoſe 30,000 of ſuch paultry troops as the Britiſh and Hanoverians are, and prevent them from ravaging and deſtroying their country?

Suppoſing them capable, in a certain time, to bring forces together in ſuch numbers as to oblige the Britiſh troops to retire—how ſhall they know to what place they are next to go?—and who ſhall prevent them from ravaging the country the troops that came to oppoſe them have deſerted?

When theſe 500,000 troops are thus cantoned on the frontiers, who is to cultivate their grounds, to furniſh proviſions in abundance for them?

Suppoſing their grounds at their reſpective homes to be cultivated by old men and women, who is to carry theſe proviſions from thence to the army in all its different marches and countermarches?

How are they to be ſupplied with ammunition and cloathing?—How are they to tranſport their artillery, ſuppoſing they have it? How are they to be kept under proper ſubordination?—How are they to be prevented from diſagreeing among themſelves?—How are they to be induced to enter into the army?—How prevented from deſerting?—and what art will he contrive to give the Americans a perfect confidence in one another?

I might go on at this rate for pages together—but the poſition he has aſſumed is in itſelf ſo abſurd as not to deſerve any more ſerious anſwer. Perhaps, before this is written, the matter may be in a great meaſure decided, on which account I think it unneceſſary to dwell longer on this head.

But let us ſuppoſe that, by a miracle, the Americans ſhould be inſpired with perfect confidence of one another at this time; and that the Britiſh, by an unaccountable fatality, ſhould be brought to lay down their arms before theſe all-powerful conquerors—Suppoſing they ſhould be declared free and independent ſtates, and thus get all their warmeſt wiſhes accompliſhed—what would they gain by this? Happy would it have been for thouſands if they had coolly diſcuſſed this queſtion before they had proceeded to extremities. But it is not in the midſt of ſeditious harangues that a queſtion of this nature can be fairly debated. We, however, who live at our eaſe, at a diſtance from theſe tumultuous ſcenes, may reap ſome entertainment, as well as inſtruction, from this diſcuſſion; on which account I ſhall willingly ſuggeſt a few hints on that ſubject.

It plainly appears, from every circumſtance relating to the Americans, that they wiſh to erect themſelves into a republican government in the ſtricteſt ſenſe of the word: A form of government that muſt in idea be the moſt agreeable to the multitude on all occaſions, becauſe it preſents to their imagination a picture, in which every one thinks he perceives himſelf a perſon of great importance—The meaneſt individual thinks that the ſtate ſhall be governed by himſelf—and thoſe of higher rank imagine that they ſhall become chiefs and rulers of the nation—All are pleaſed with the idea of their own future aggrandizement, and are intoxicated with the thoughts of their own ſelf-importance.

On this account artful men, who ſtudy how to turn the foibles of mankind to their own advantage, have it not in their power to conceal their ambitious deſigns in any other way under ſuch a plauſible colouring as this affords; and, on this account, it may be expected that no capital revolution will ever be effected in the government of any free ſtate, in modern times, but by adopting this plan.

The directors of the American junto ſeem to be fully aware of this, and have been lucky enough to perſuade a great number of people, that a republican form of government would be the moſt proper for an extenſive, thinly inhabited country like theirs—a country that has different provinces, whoſe climate and natural products are extremely diſſimilar—and whoſe political intereſts muſt be ever at variance with one another on almoſt every occaſion.

This is, perhaps, as ſtriking a proof as could be produced of the power of ſelfiſh affections over the judgment of mankind; for, were it not for the motives above aſſigned, there is hardly a perſon ſo little ſkilled in politics as not to be capable of ſeeing the abſolute impoſſibility of eſtabliſhing a pure democracy in a country ſo ſituated as the continent of North America is at preſent.

In a very ſmall ſtate [illegible] all the members [illegible] together at one time, it may perhaps be poſſible for

the people to preſerve ſome ſhew of liberty under a government ſeemingly democratical, although, even in that caſe, they are perpetually in danger of becoming the dupes of ſome artful man, who naturally becomes their tyrant: But, in a large extended ſtate, where the members are neceſſarily at ſuch a diſtance from the ſeat of government as to be totally incapable of controuling thoſe intruſted with authority, it would be as impoſſible to prevent deſigning men from aſſuming deſpotic power, as it would be to prevent the ſun from ſhining, or the dews of heaven from falling upon the ſurface of the earth: Parties would ſoon be formed, whoſe creatures would have influence to the fartheſt corners of the ſtate, by means of whom the people might be cajoled for ſome time with a ſhew of ſelf-government, while they were in fact the moſt abject ſlaves that could exiſt—till their ſpirits became ſo broken, and themſelves ſo enervated, as to wiſh for one ruler, who might then aſſume the reins, and become a legal deſpot over a ſet of enervated ſlaves.

Such is the natural and unavoidable end of every large ſtate where the ſupreme power is veſted ultimately in the people, even when moderated by the controuling power of a ſenate—Such was the end of mighty Rome herſelf—But a democracy formed to the wiſhes of the people, where there would neceſſarily be no higher power to moderate their plan of ideal liberty, could hardly exiſt one moment—All muſt be anarchy, which unavoidably ends in deſpotiſm.

But let us for a moment ſuppoſe that another miracle ſhould be worked in favour of the Americans; and that no ambitious man ſhould appear among them for ſome time; that the ſeveral members of their grand congreſs ſhould be elected without undue influence or cabal; and that they ſhould meet with a ſincere deſire in each to promote the intereſt of the country in the higheſt degree—Is it not certain that the members of each colony would naturally wiſh to promote the intereſts of that colony in a very high degree?—It would then be found that the intereſts of the different colonies were totally incompatible with one another—The northern coloniſts would ſoon diſcover that they could not well ſubſiſt without carrying on manufactures—nor could theſe be eſtabliſhed among them without obliging the ſouthern colonies to purchaſe theſe from them—The ſouthern colonies, on the contrary, would alſo find it was much more for their intereſt to trade with ſome of the northern European ſtates, who would purchaſe *all* the native commodities they ſhould be able to rear, and give them in exchange manufactures at half the price they could be afforded for by their ſiſter coloniſts.—How ſhall theſe mutual claims be adjuſted?—The moſt numerous party in that grand congreſs muſt carry their point—In that caſe the ſouthern provinces become to be outvoted—They become diſcontented——Diſputes riſe higher ſtill—The two parties come to look upon one another as enemies—In impoſing taxes each wiſhes to throw the burden on the other. The ſouthern colonies are here again outvoted, and muſt again ſubmit.

In the mean time the northern provinces flouriſh abundantly—Thoſe to the ſouth muſt take their wheat from them, or raiſe it for themſelves inſtead of more valuable products—The northern coloniſts become fiſhermen—they build ſhips—the whole trade of that continent is carried on with their mariners in their ſhips—They become a hardy race of people, while thoſe to the ſouth, from the influence of climate, &c. become languid and weak—They feel themſelves oppreſſed, and complain, but without obtaining redreſs—They at length have recourſe to arms—but, alas! what can a feeble enervated people do in oppoſition to an enemy more numerous, more hardy, more rich, more powerful by ſea and by land—They are quickly ſubdued by force of arms, and are reduced to the ſtate of a conquered province—a province too under the moſt unfortunate circumſtances—perpetually ſubjected to the will of a rival, whoſe intereſt it is to load them with every burden they can poſſibly be made to bear—a rival who has ever ſhowed the ſtrongeſt inclination to be intolerant in religion, oppreſſive in politics, and unjuſt in mercantile affairs; for ſuch, it is believed, all the other colonies will acknowledge to be the character of that province which takes the lead at preſent, and would of neceſſity preſerve it in all time to come, ſhould the above event take place.

Thus, Sir, I hope I have ſhowed that

the preſent war on the part of Britain is a juſt, neceſſary, and even humane war; and on the part of America in general a wild and fooliſh exertion of inconſiderate perſons, who are led, by the artifice of a few deſigning men, to purſue a plan of operations, which, if ſucceſsful, may be productive of the higheſt miſery to themſelves.—That they may ſoon ſee theſe things in a proper light, and purſue that plan of conduct that would moſt effectually conduce to their own *real* happineſs; and that, when theſe diſturbances ſhall ſubſide, Britain may adopt ſuch meaſures, with regard to the colonies, as ſhall moſt effectually tend to promote the real felicity of all the inhabitants, and guard againſt future diſturbances, by placing them in ſuch circumſtances as may make it the intereſt of every individual to purſue thoſe meaſures that may equally conduce to their own aggrandizement, and that of the parent ſtate, rather than to attempt to keep them in ſubjection by the cruel and unavailing power of compulſatory laws, is the fervent prayer of their ſincere well-wiſher,

TIMOLEON.

POSTSCRIPT.

I HAVE read, with ſome degree of attention, the pamphlet intitled *Common Senſe*—a pamphlet which might be intirely ſufficient to open the eyes of Great Britain, as to the real deſigns of the leaders of the American junto. It ought even to open the eyes of the coloniſts themſelves, had they the ſmalleſt ſhare of cool moderation left.

This pamphlet is evidently written by a man ill at eaſe in his own mind; one who has gone too far to hope that any good will accrue to himſelf from a reconciliation between Great Britain and the colonies; one who has no gleam of hope but from a ſeparation, and therefore he ſtrains every nerve to perſuade his countrymen to go forward, and ſticks at no aſſertions, however bold, where they can ſerve his turn. "Our preſent force is ſufficient to repel the force of all the world (*a*). Were the number of inhabitants in America increaſed, had they a greater number of ſea-port towns, and conſequently more ſeamen, things would be worſe than at preſent (*b*). A ſhip may be as well navigated with nine-tenths of its navigators landmen, and only one-tenth ſeamen, as if the whole had been bred to naval affairs (*c*). "In almoſt every article of defence we abound. Hemp flouriſhes even to rankneſs." *Why then do they need the premiums from Great Britain to induce them to rear it?* "Our iron is ſuperior to that of other countries." *Is it not well known, that American iron is ſo very brittle, that notwithſtanding all the efforts of Britain, ſhe has never been able to get it to an equality with Ruſſian, far leſs with Swediſh iron?* "Our ſmall arms equal to any in the world." *This follows well after the other. It is well known, that brittle iron never can make tolerable ſmall arms.* "Cannon we can caſt at pleaſure." *This is perhaps the only true article in the account, but it is much ſooner ſaid than done.* "Salt-petre and gun-powder we are every day producing." *This has been aſſerted by an American governor already, but is well known to be a falſehood; America never produced as much ſalt-petre as would ſerve to manufacture powder for one field-day of the continental, or even Britiſh army; as a proof of which they offer almoſt* 200 per cent. *advance on the price of the article gun-powder to thoſe who will import it to them.* "Our knowledge is hourly improving. Reſolution is our inherent character, and courage hath never yet forſaken us." *Where was it when the great Waſhington, and his brave provincials, ſcampered off, and left poor Gage and his daſtardly Britiſh troops to bring off the body of Braddock? What became of it in the late precipitate retreat before a handful of Britiſh troops in Canada?* "Wherefore, what is it we want? Why is it that we heſitate? From Britain we can expect nothing but ruin (*d*)." *Such is the language, ſuch are the aſſertions of this man of Common Senſe.*

It has been a maſter-ſtroke in the politics of all leaders of ſedition, to prevail with their party to commit ſome daring act of barbarity, ſo as to deprive them of all hopes of obtaining a pardon from thoſe they have offended. Theſe leaders of America have endeavoured to inflame the multitude to do that; but the moderation of Britain has almoſt put it out of their power. Although our gracious ſovereign has acted with a degree of moderation in the preſent caſe that can ſcarce be paralelled, yet the trumpeter

(*a*) p. 58. (*b*) p. 59. (*c*) p. 63. (*d*) p. 67.

of ſedition repreſents him as the vileſt miſcreant that ever appeared on the face of the earth: "And as he (that is the king of Britain) hath ſhewed himſelf *ſuch an inveterate enemy to liberty, and diſcovered ſuch a thirſt of arbitrary power*, is he, or is he not, a proper man to ſay to theſe colonies, You ſhall make no laws but what I pleaſe (*e*)?"—The king's ſpeech at the opening of the laſt ſeſſion of parliament, which muſt yet be freſh in the memory of every one of my readers, is ſtigmatized in the following terms: "The king's ſpeech, as being a piece of *finiſhed villainy*, deſerved, and ſtill deſerves a general execration both by the congreſs and people (*f*)."—And again, "The ſpeech, if it may be called one, is nothing better than a wilful audacious libel againſt the truth, the common good, and the exiſtence of mankind, and is a formal and pompous method of offering up human ſacrifices to the pride of tyrants. But this general maſſacre of mankind is one of the privileges, and the certain conſequences of kings (*g*)." "*Brutality and tyranny* appear on the face of it (the king's ſpeech). It leaves us at no loſs; and every line convinces, even in the moment of reading, *that he who hunts the woods for prey, the naked and untutored Indian, is leſs a ſavage than the king of Britain* (*h*)."

I aſk any man, endued with the leaſt portion of common ſenſe, what reaſonable propoſition can be expected to come from a mind ſo diſtempered as muſt be that of the man who can bring himſelf to write in this ſtrain? Yet ſuch are the moderate, mild, and rational leaders of that ſplenetic band who ſway the American continent at preſent.

After having roufed the multitude to madneſs by ſuch ſeditious harangues as theſe, to commit the moſt daring outrages on thoſe who were diſpoſed to remain peaceable ſubjects of government, and inſtigated them to a rebellion that muſt of neceſſity be quelled by force of arms, he attributes all the diſtreſſes that have enſued to Great Britain; from whence he infers, that deadly hate muſt, and ought to be the perpetual feelings of America towards her.

Speaking to thoſe who have ſtill a deſire to have matters accommodated with Britain, he ſays, "But, if you ſay you can ſtill paſs the violations over, then I aſk, Hath your houſe been burnt? Hath your property been deſtroyed before your face? Are your wife and children deſtitute of a bed to lie on, or bread to live on? Have you loſt a parent or a child by their hands, and yourſelf the ruined and wretched ſurviver? If you have not, then are you not a judge of thoſe who have: but if you have, and can ſtill ſhake hands with the murderers, then are you unworthy the name of huſband, father, friend, or lover; and, whatever may be your rank or title in life, you have the heart of a coward, and the ſpirit of a ſycophant (*i*)."

Thoſe who are at a loſs for argument uſually endeavour to pervert the judgment, by inflaming the paſſions, and the authors of all the calamities in America do well to divert the attention of their countrymen from *themſelves* to Great Britain. They have raiſed a combuſtion, hoping that, in the general confuſion, ſome good may reſult to themſelves: They cannot but foreſee, that if their countrymen ſhould once become ſenſible of the real authors of theſe diſtreſſes, they would certainly be undone. It is therefore wiſe *in them*, it is abſolutely neceſſary, that they ſhould divert their attention to another object. Is it not a common thing for a thief, when hard beſet, to bawl out, *Hold the thief!* and thus make himſelf be loſt ſight of, while the attention of others are diverted to a different object? On this account the writer of this pamphlet dwells much on this topic, and frequently returns to it: "Thouſands," ſays he, "are already ruined by *Britiſh barbarity*; thouſands more will probably ſuffer the ſame fate," (witneſs the inhabitants of Norfolk in Virginia, whoſe houſes were burnt by the rebels.) "Thoſe men have other feelings than we who have nothing ſuffered. All they now poſſeſs is liberty; what they before enjoyed is ſacrificed to its ſervice, and having nothing more to loſe, they diſdain ſubmiſſion (*k*)." "Ye that tell us of harmony and reconciliation, can ye reſtore to us the time that is paſt? Can you give to proſtitution its former innocence? Neither can ye reconcile Britain and America. The laſt cord is now broken; the people of England are preſenting addreſſes againſt us.

(*e*) p. 46. (*f*) p. 76. (*g*) p. 77. (*h*) p. 77. (*i*) p. 41. (*k*) p. 49.

'hefe are injuries which Nature cannot orgive; fhe would ceafe to be Nature if ne did. As well can the lover forgive he raviſher of his miſtreſs, as the conti-ent forgive the *murders* of Britain (*l*)." ' The rubicon is paſſed (*m*)."

In this manner would the man whoſe guilty mind tells him that he has no oom to hope for pardon, perſuade o-hers to become as deſperate as himſelf, nd plunge deeper and deeper ſtill into hat guilty ſcene in which they are now nvolved. His own deſperate ſituation moſt frequently recurs to his mind. "It is eaſy," ſays he, "getting into holes and talking of reconciliation; but do ſuch men put themſelves in the place of the ſufferer, *whoſe all is already gone* (*n*)." Aye! here the ſhoe pinches, indeed! Such a ſufferer has nothing to hope for from a reconciliation, and therefore it is not ſurpriſing if he ſhould bawl out againſt it as loud as he can; but is it prudent in thoſe who have nothing to loſe to venture their all for his ſervice?

In the whole of this pamphlet, I find but one good reaſon advanced for the Americans perſevering in their preſent plan of a total ſeparation from Great Britain, which is, that, by robbing the king of the unoccupied lands of the back ſettlements, and appropriating to themſelves the quit-rents ariſing from theſe, they will be enabled to pay their debts, and maintain the expence of their civil government. He recurs to this in various parts of his eſſay.—"Another reaſon," ſays he, "why the preſent time is preferable to all others, is, that the fewer our numbers are, the more land there is yet unoccupied, which, inſtead of being laviſhed by the king on his worthleſs dependants, may be applied, not only to the diſcharge of the preſent debt, but to the conſtant ſupport of government (*o*)."—"It is by the ſale of thoſe lands that the debt may be ſunk without burden to any; and the quit-rent reſerved thereon will always leſſen, and in time will wholly ſupport the yearly expence of government. It matters not how long the debt is in paying, ſo as that the lands, when ſold, be applied to the diſcharge of it; and for the execution of which the congreſs for the time being will be the continental truſtees (*p*)."

Such are the arguments, I doubt not, that are employed by too many of the inhabitants of Britain, who find themſelves unable to live as they wiſh upon their own property, and therefore reſolve to appropriate to themſelves the property of another—But theſe arguments will be found to avail them little in a court of juſtice. It may be *common ſenſe* in the people of America to endeavour to rob Britain of her property—but it would ſurely indicate a great want of common ſenſe in the people of this country, ſhould they approve of her deſign of deliberate robbery.

TIMOLEON.

(*l*) p. 57. (*m*) p. 58. (*n*) p. 85. (*o*) p. 67. (*p*) p. 82.

ERRATA.

P. 20. C. 2. L. 26. *for* corruption, if, *read* corruption. If
P. 27. C. 1. L. 5. *a fine, for* who, *read* that they.
P. 29. C. 2. L. 11. *a fine, for* ſevereſt, *read* ſeveral.
P. 30. C. 2 L. 26. *for* not the, *read* out the.
P. 33. C. 2. L. 13. *a fine, for* diſcernible, *read* deſirable.

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